

**Rezoning Application:** SU 23-0955  
**Zoning Hearing Master Date:** March 25, 2024  
**BOCC Land Use Meeting Date:** May 7, 2024

**1.0 APPLICATION SUMMARY**

**Applicant:** FCD Investment South, LLC  
**FLU Category:** RES-1  
**Service Area:** Rural  
**Site Acreage:** Approximately 50.95 acres  
**Community Plan Area:** Thonotosassa  
**Overlay:** None



**Introduction Summary:**

The Applicant requests an adjustment to the boundaries of the established legal nonconforming use, pursuant to Land Development Code section 11.03.06.J., to modify the NCU to match up with the C&D debris disposal boundaries of the FDEP Permit. The NCU area per NCU 89-0037 is 52.13 acres in size. The area approved in the FDEP Permit is 50.95 acres. There is approximately 12.35 acres where the FDEP Permit allows disposal operations, but which is not included in the NCU 89-0037 area. Additionally, there are areas covered by the NCU 89-0037 map that are not included in the FDEP Permit. Based on Florida Statutory laws and administrative code(s) governing the FDEP permit those areas of the NCU 89-0037 that are outside the limits of the FDEP permit area cannot be used for disposal.

The 12.35 acres previously not included in NCU 89-0037 will now be included in the disposal operations of the subject site resulting in the total acreage for the subject site’s disposal operations decreasing by 1.5 acres *less than* NCU 89-0037, for a total of 50.95 acres. The areas of NCU 89-0037 that are not included in the FDEP Permit will not be used for the Site’s disposal operations. The request is made under the “One-time Expansion” provision, to allow this boundary adjustment. A graphic of the existing and proposed boundary is shown in Section 5.0 (Figure 1) of this report.

Per Land Development Code Section 11.03.06.J.1, any expansion, change or rebuilding of a legal nonconforming use requires approval by the Board of County Commissioners under a Nonconformity Special Use Permit. BOCC approved nonconformity expansions are permitted once and may not exceed 50% of the intensity.

Zoning:	Existing	Proposed
District(s)	AR	AR
Typical General Use(s)	Class III Landfill per NCU 89-0037	One-time Expansion
Acreage	+/- 52.13 acres	+/- 50.95 acres
Density/Intensity	NA	NA
Mathematical Maximum*	NA	NA

\*number represents a pre-development approximation

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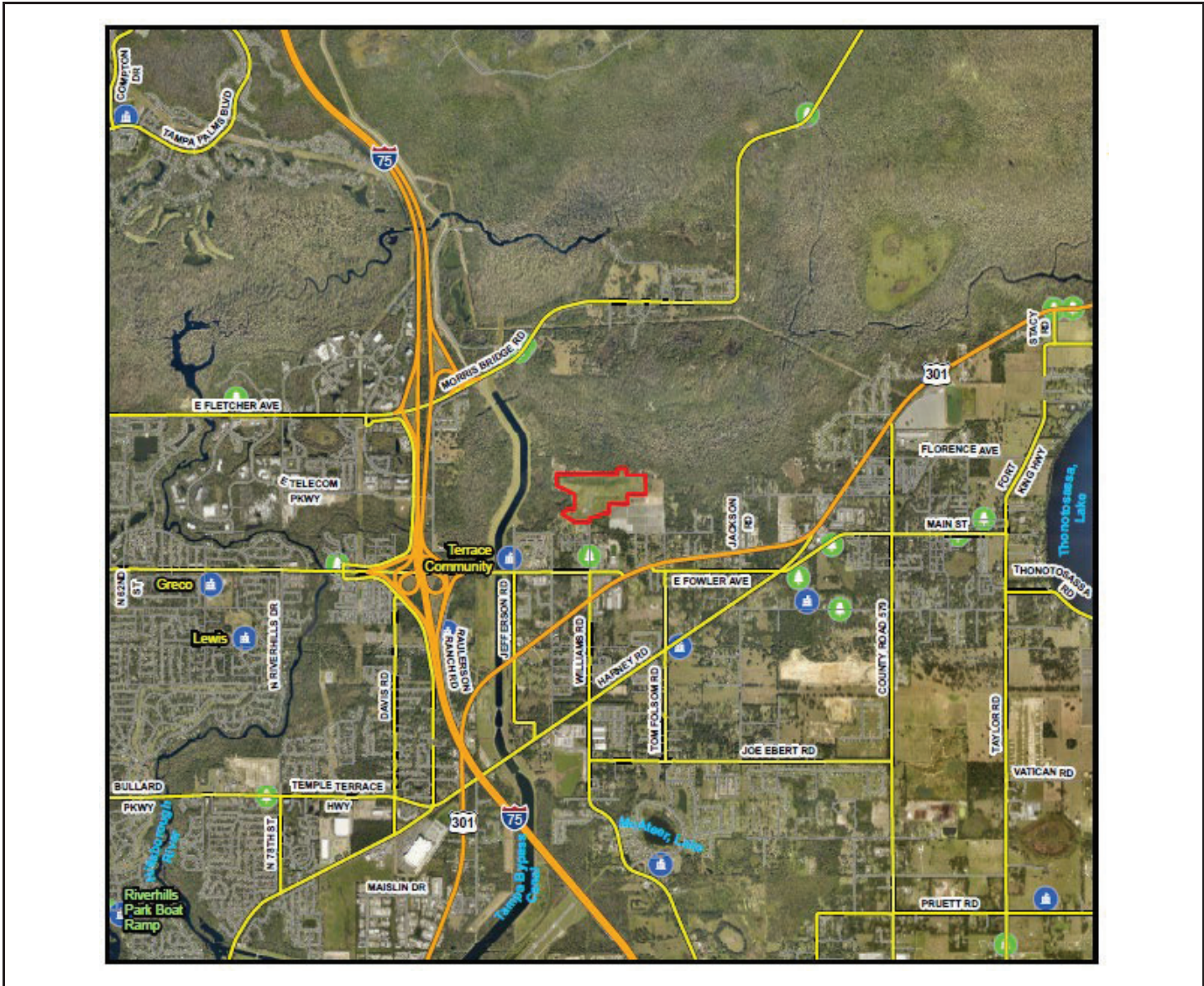
Case Reviewer: Tim Lampkin, AICP

Development Standards:	Existing	Proposed
District(s)	AR (NCU 89-0037)	AR (SU 23-0955)
Setbacks/Buffering and Screening	Setbacks: Front: 100 ft. Rear: 100 ft. Side: 100 ft. Adjacent to SWFMD: 40 feet  <b>Adjacent to AS-1 (Southwest)</b> <ul style="list-style-type: none"><li>Stormwater ponds located along perimeter.</li><li>No vertical buffer exists.</li></ul>	Setbacks: Front: 100 ft. Rear: 100 ft. Side: 100 ft. Adjacent to SWFMD: 40 feet  <b>Adjacent to AS-1 (Southwest)</b> <ul style="list-style-type: none"><li>Maintain stormwater ponds along perimeter.</li><li>6 ft.-high PVC fence</li></ul>
Height	NA	NA
<b>Additional Information:</b>		
PD Variation(s)	LDC Part 6.06.00 (Landscaping/Buffering)	
Waiver(s) to the Land Development Code	LDC Sec. 6.11.55 per NCU 89-0037	

<b>Planning Commission Recommendation:</b> Consistent	<b>Development Services Recommendation:</b> APPROVABLE, Subject to Conditions.
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## 2.0 LAND USE MAP SET AND SUMMARY DATA

### 2.1 Vicinity Map

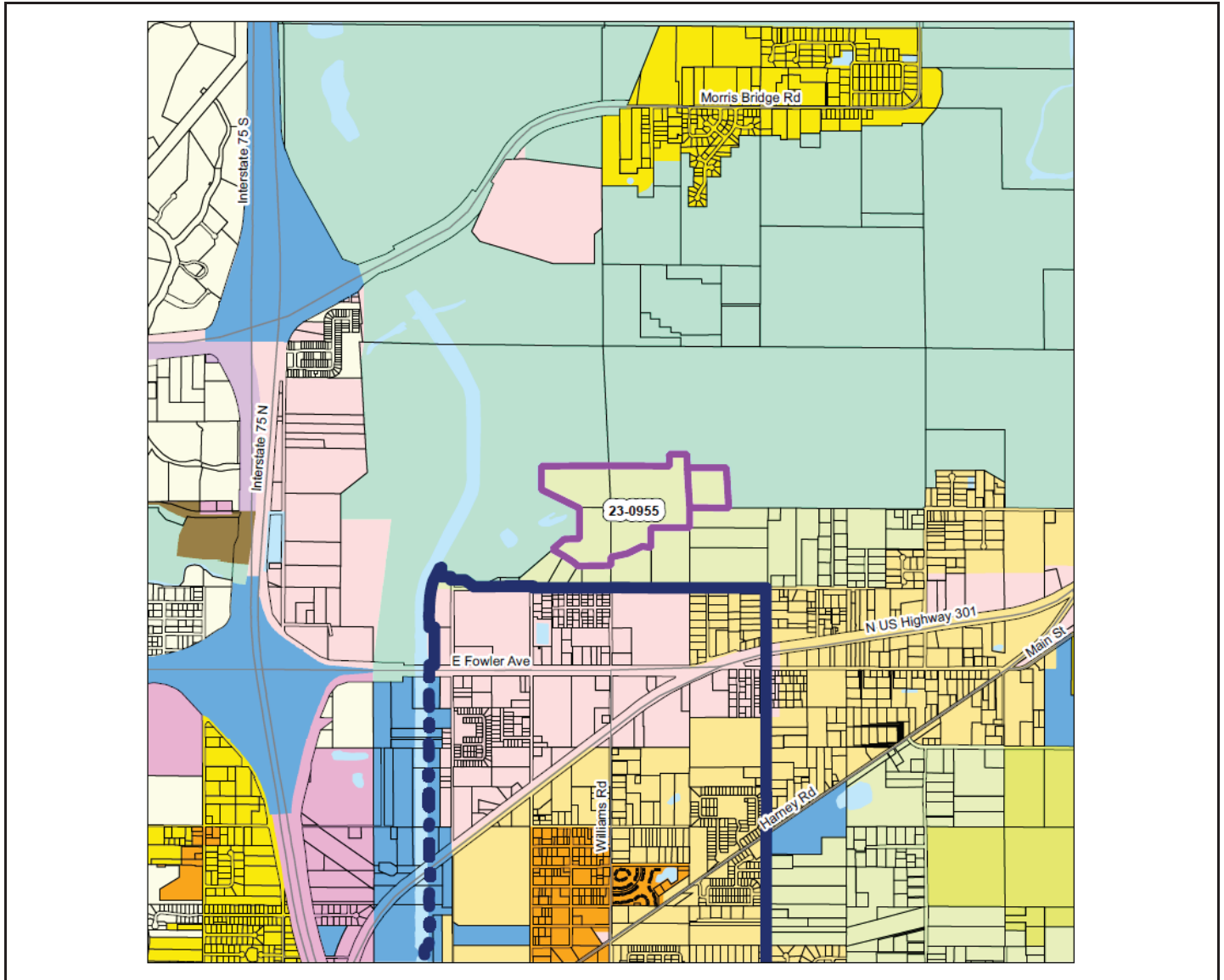


#### Context of Surrounding Area:

The subject property is located approximately 1,000 feet north of Bethune Drive and Williams Road intersection. The property is approximately 7,000 feet northeast of the Interstate 75 interchange located off Fowler Avenue. The property is approximately 5,000 feet north of the intersection of E. Fowler Avenue and N. U.S. Highway 301. Surrounding the property to the north, west, east and southeast is agricultural lands. Located to the southwest of the subject site are large lot single-family homes located on AS-1 zoned property.

**2.0 LAND USE MAP SET AND SUMMARY DATA**

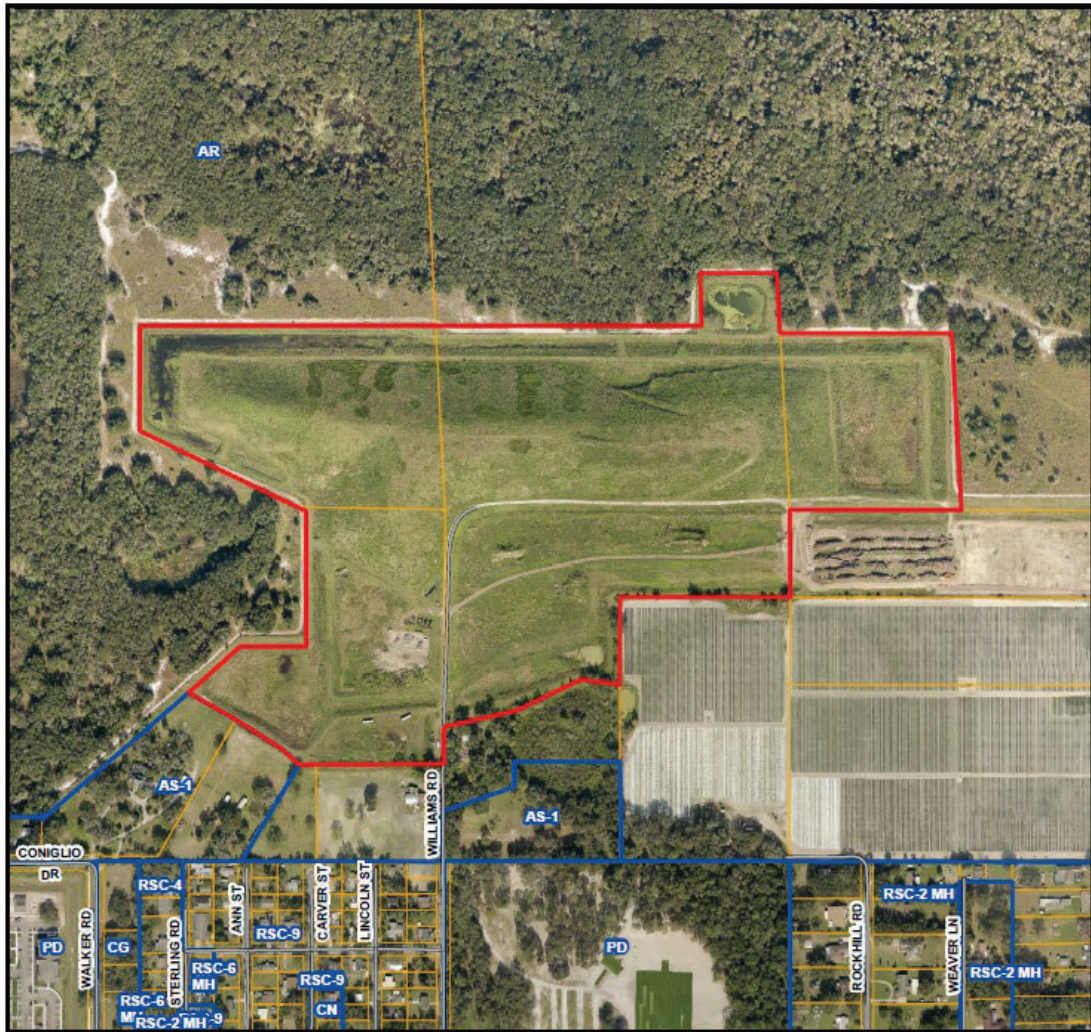
**2.2 Future Land Use Map**



Subject Site Future Land Use Category:	Residential - 1
Maximum Density/F.A.R.:	Max. Density: 1 du/acre FAR: 0.25
Typical Uses:	Typical uses in the RES-1 include farms, ranches, residential, rural commercial, offices, and multi-purpose.

**2.0 LAND USE MAP SET AND SUMMARY DATA**

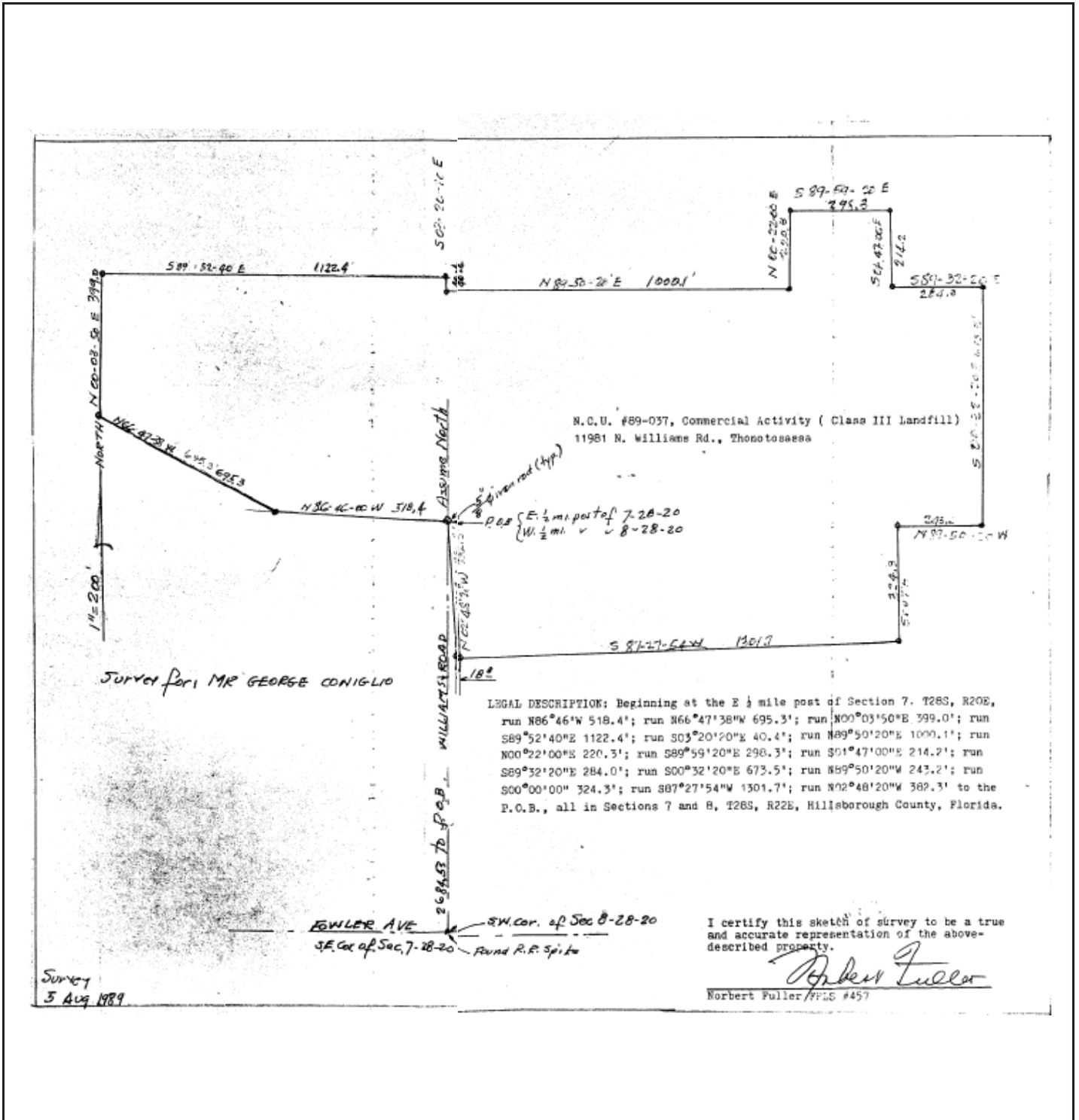
**2.3 Immediate Area Map**



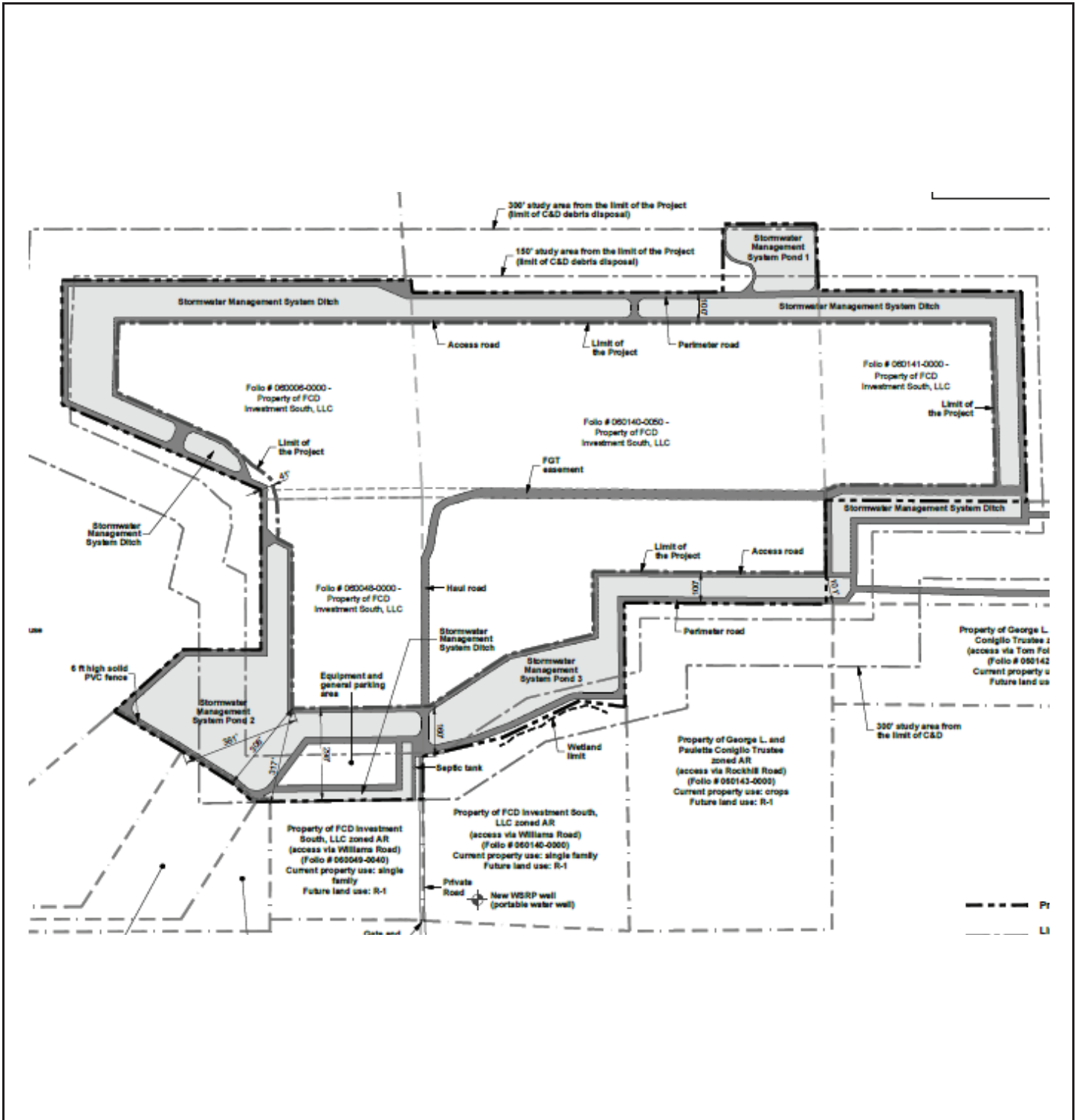
Adjacent Zonings and Uses

Location:	Zoning:	Maximum Density/F.A.R. Permitted by Zoning District:	Allowable Use:	Existing Use:
North	AR	Max. 1 DU per 5 acres	Agricultural related uses	Agricultural
South	AS-1, AR	AR: 1 DU per 5 acres AS-1: 1 DU per 1 acre	AR: Agricultural AS-1: SF and agricultural related uses.	SW: SF homes SE: Vacant & agricultural
East	AR	Max. 1 DU per 5 acres	Agricultural related uses	Agricultural
West	AR	Max. 1 DU per 5 acres	Agricultural related uses	Southwest Florida Water Management District: Vacant

2.4 Existing Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



2.4 Proposed Site Plan (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



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3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)

Adjoining Roadways (check if applicable)

Road Name	Classification	Current Conditions	Select Future Improvements
Williams Road	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation  Not applicable for this request

	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	213	39	32
Proposed	213	39	32
Difference (+/-)	+0	+0	+0

\*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access  Not applicable for this request

Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC

Notes:

Design Exception/Administrative Variance  Not applicable for this request

Road Name/Nature of Request	Type	Finding
Williams Road/ Substandard Road	Design Exception Requested	Approvable
	Choose an item.	Choose an item.

Notes:



**4.0 ADDITIONAL SITE INFORMATION & AGENCY COMMENTS SUMMARY**

INFORMATION/REVIEWING AGENCY				
Environmental:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
Environmental Protection Commission	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Natural Resources	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Conservation & Environ. Lands Mgmt.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Check if Applicable: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Wetlands/Other Surface Waters</li> <li><input type="checkbox"/> Use of Environmentally Sensitive Land Credit</li> <li><input type="checkbox"/> Wellhead Protection Area</li> <li><input checked="" type="checkbox"/> Surface Water Resource Protection Area</li> <li><input type="checkbox"/> Potable Water Wellfield Protection Area</li> <li><input type="checkbox"/> Significant Wildlife Habitat (Upland Wildlife Habitat Area)</li> <li><input type="checkbox"/> Coastal High Hazard Area</li> <li><input type="checkbox"/> Urban/Suburban/Rural Scenic Corridor</li> <li><input type="checkbox"/> Adjacent to ELAPP property</li> <li><input checked="" type="checkbox"/> Other: Airport Height Restriction, 170' AMSL</li> </ul>				
Public Facilities:	Comments Received	Objections	Conditions Requested	Additional Information/Comments
<b>Transportation</b> <input checked="" type="checkbox"/> Design Exc./Adm. Variance Requested <input type="checkbox"/> Off-site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Transportation Report.
<b>Service Area/ Water &amp; Wastewater</b> <input type="checkbox"/> Urban <input type="checkbox"/> City of Tampa <input checked="" type="checkbox"/> Rural <input type="checkbox"/> City of Temple Terrace	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<b>Hillsborough County School Board</b> Adequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A Inadequate <input type="checkbox"/> K-5 <input type="checkbox"/> 6-8 <input type="checkbox"/> 9-12 <input checked="" type="checkbox"/> N/A	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Impact/Mobility Fees</b>				
Comprehensive Plan:	Comments Received	Findings	Conditions Requested	Additional Information/Comments
<b>Planning Commission</b> <input type="checkbox"/> Meets Locational Criteria <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Locational Criteria Waiver Requested <input type="checkbox"/> Minimum Density Met <input checked="" type="checkbox"/> N/A	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Inconsistent <input checked="" type="checkbox"/> Consistent	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	See Planning Commission Report

## 5.0 IMPLEMENTATION RECOMMENDATIONS

### 5.1 Compatibility

The subject site is currently operating as a Solid Waste Facility (Class III Landfill per NCU 89-0037, June 30, 1989). According to the 1989 Zoning Code, the subject property was zoned "A" Agricultural District. Pursuant to NCU 89-0037, the landfill had been in operation in its current configuration since 1972 with land excavation activities dating back to 1960. This is prior to January 27, 1983, when the Code was amended, and the use became a Conditional Use. Per LDC Sec. 11.03.06.B, uses established legally at the time of development shall be deemed pre-existing and may be certified by the Administrator and allowed to continue.

Pursuant to the 1989 Zoning Ordinance, Landfills were not subject to the minimum 1,000-foot distance from either residential development or a House of Worship. The 200-foot perimeter setback requirement was also not established. Additionally, LDC Section 6.11.55.4, regarding areas of prohibition was codified after the establishment of the landfill and the NCU determination. The 1989 Zoning Ordinance required either a 6-foot-high fence or masonry wall around the perimeter and required landfills have direct access to an arterial or collector street if it were a new use.

Land Development Code section 11.03.06.J, requires that "...any property owner wishing to expand, change or rebuild an existing legal nonconforming use shall apply for a Nonconformity Special Use Permit". Additionally, expansion of nonconformities shall not occur more than once. This is the first proposed change since 1989. The applicant also notes that this is really an adjustment to the boundaries of the established legal nonconforming use, to modify the NCU to match up with the C&D debris disposal boundaries of the FDEP Permit as shown in Figure 1. The NCU area per NCU 89-0037 is 52.13 acres in size. The area approved in the FDEP Permit is 50.95 acres.

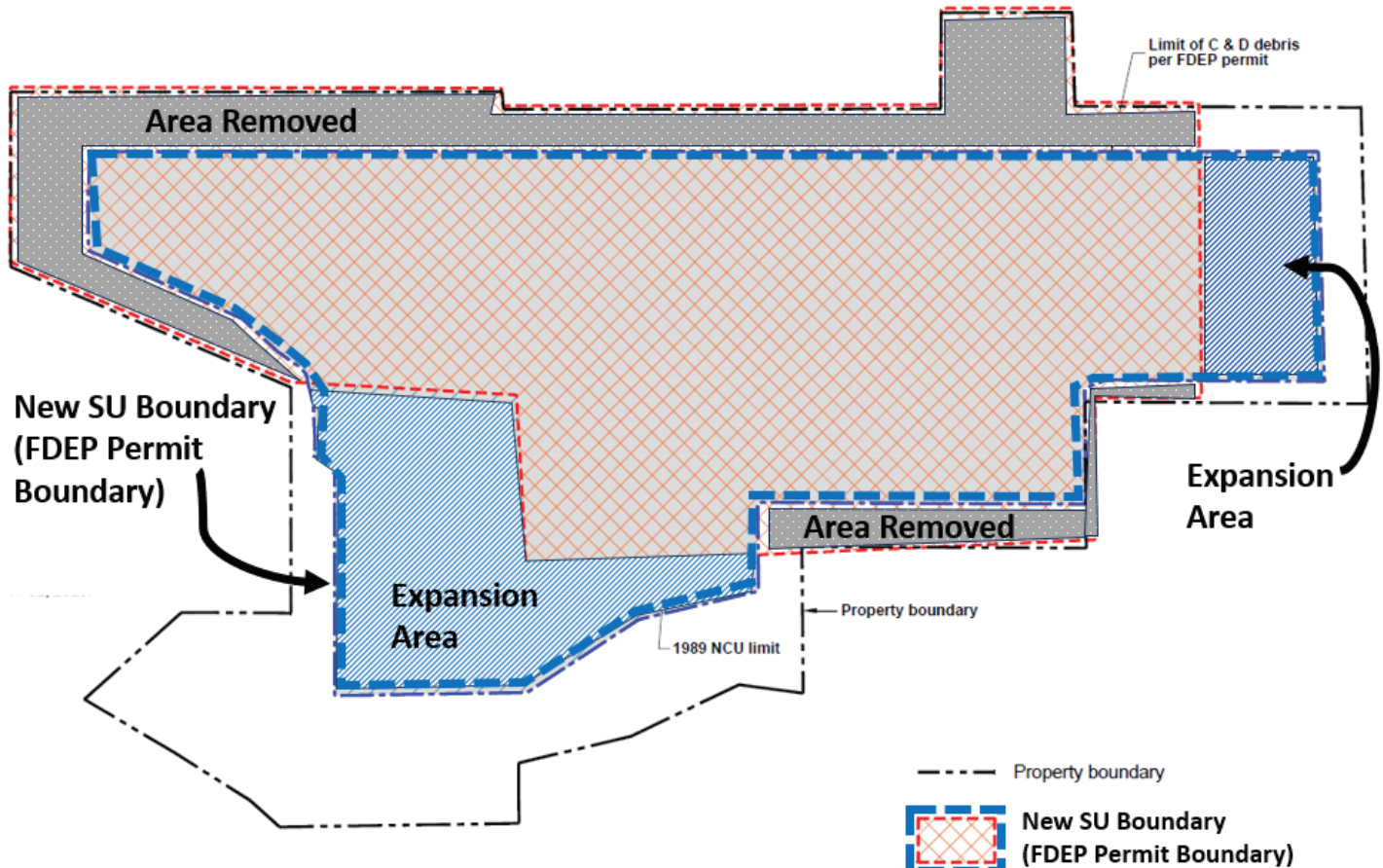


Figure 1

The current Hillsborough County Land Development Code, Sec. 6.11.55. A, Location Criteria requires a minimum 1,000-foot separation from any dwelling units and Houses of Worship. The existing FDEP permit (i.e., Expansion Area) is approximately 200 feet from the nearest residential structure. The existing area of the FDEP permit is approximately 671 feet from the property line of a House of Worship. Lastly, the applicant acknowledges that the site's disposal area does not meet the minimum 200-ft. setback in the area adjacent to Southwest Florida Water Management District (SWFWMD) folios. The applicant states in part, in their narrative that the *"expansion area is not creating a new nonconformity in that the disposal area of the Site, per NCU or FDEP Permit, because it has never been 1,000' or more away from the nearest residential structure or House of Worship as required under the current Land Development Code, nor has it ever been. Rather, the Site is an existing and established legally nonconforming use in the area. Current Code requirements pertaining to location, siting, and compatibility of a landfill – standards per LDC 6.11.55"*.

#### **Variance Request to LDC Section 6.06.06 Landscape Buffer**

Section 6.06.06 requires a 30-foot-wide landscaped buffer with Type "C" screening adjacent to the folios southwest of the subject site with single-family residential. The applicant's justification, in part, states that the existing stormwater management system of ponds and ditches surrounding the disposal area of the site create a significant buffer area over 300 feet. The applicant proposes to provide a 6-foot-high PVC fence with tree plantings (where feasible). Additional justification was included in the applicant's submittal for the variation. Staff has reviewed the justification statement submitted by the applicant and finds they provided criteria responses per LDC Section 5.03.06.C.6. The Rezoning Hearing Master's recommendation for this application is required to include a finding on whether the requested variance meets the criteria for approval. Additional information regarding the rationale may be found in the applicant's narrative including the applicant's proposed condition to provide a 6-foot-high PVC fence between the boundary of the folios comprising the subject site where it is adjacent to the single-family residential folios located to the southwest of the subject site.

The site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code subject to the proposed conditions of approval. The Planning Commission found that the proposed rezoning would be consistent with the Unincorporated Hillsborough County Comprehensive Plan.

#### **5.2 Recommendation**

Based on the above considerations, staff finds the request **APPROVABLE**.


## 6.0 PROPOSED CONDITIONS

Approval of the request, subject to the conditions listed below, is based on the general site plan submitted March 5, 2024.

1. Permit 89-0037 allowed the Class III Landfill on folio 60006.0000. 60140.0050, 60048.0000, and 60141.0000.
2. This Special Use Permit (SU GEN 23-0955) authorizes a onetime nonconforming use expansion resulting in a total of 50.95 acres. The parcel shall contain a Class III Landfill.
3. The subject property shall be subject to the following standards.
  - Minimum Perimeter Setback: 100 feet
  - Minimum setback adjacent to SWFWMD property: 40 feet
4. Buffering and screening along the perimeter of the property adjacent to folios 060049-0101, 060049-0100, 060049-0000, 60049.0040 shall provide a 6-foot-high PVC fence. A row of evergreen shade trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, and are spaced not more than 20 feet apart shall be planted where feasible, as determined by Natural Resources.
5. If SU 23-0955 is approved, the County Engineer will approve a Design Exception request (dated January 5, 2024), which was found approvable by the County Engineer (on March 13, 2024) for the Williams Road substandard road improvements. As Williams Road is a substandard local roadway, the developer will be required to make specific improvements to Williams Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct:
  - A minimum 5-foot-wide sidewalk for a distance of +/- 1,300 ft. along the west side of Williams Road.
6. Any portion of the landfill located within the surface water protection area illustrated on the SWRPA Map adopted into the Hillsborough County Comprehensive Plan (HCCP) shall not be used at this time. The County is in the process of updating and submitting a new map for adoption into the HCCP. The landfill areas that are currently within SWRPA may be utilized after Hillsborough County has adopted the updated SWRPA and if the areas are determined to be outside of the updated SWRPA.
7. All solid waste environmental reports required to be submitted to the Florida Department of Environmental Protection (FDEP) shall be submitted to the following Hillsborough County BOCC Environmental Services Division (HCEVSD) staff:
  - Kim Cruz, CruzKi@hcfl.gov
  - Jeff Greenwell, GreenwellJ@hcfl.govSubmitting FDEP monitoring reports to HCEVSD may cease after the new SWRPA map is adopted into HCCP and if the Hillsborough County approved landfill area is entirely located outside of the updated SWRPA.
8. At any time if a portion(s) of the landfill is determined to be within the SWRPA, please contact HCEVSD for prohibited use activity requirements, as defined in Part 3.05.00 of the LDC.
9. Natural Resources staff identified a number of significant trees on the site including potential Grand Oaks. Every effort must be made to avoid the removal of and design the site around these trees. The site plan may be modified from the Certified Site Plan to avoid tree removal.
10. Wetlands or other surface waters are considered Environmentally Sensitive Areas and are subject to Conservation Area and Preservation Area setbacks. A minimum setback must be maintained around these

areas which shall be designated on all future plan submittals. Only items explicitly stated in the condition of approval or items allowed per the LDC may be placed within the wetland setback. Proposed land alterations are restricted within the wetland setback areas.

11. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.
12. The construction and location of any proposed environmental impacts are not approved by this correspondence but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.
13. Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.
14. The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.
15. Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/ OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).
16. Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.
17. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval, unless otherwise stated herein.
18. In accordance with LDC Section 5.03.07.C, the certified PD general site plan shall expire for the internal transportation network and external access points, as well as for any conditions related to the internal transportation network and external access points, if site construction plans, or equivalent thereof, have not been approved for all or part of the subject Planned Development within 5 years of the effective date of the PD unless an extension is granted as provided in the LDC. Upon expiration, re-certification of the PD General Site Plan shall be required in accordance with provisions set forth in LDC Section 5.03.07.C

<p><b>Zoning Administrator Sign Off:</b></p>	 <p>J. Brian Grady Mon Mar 18 2024 14:48:55</p>
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**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDANCE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

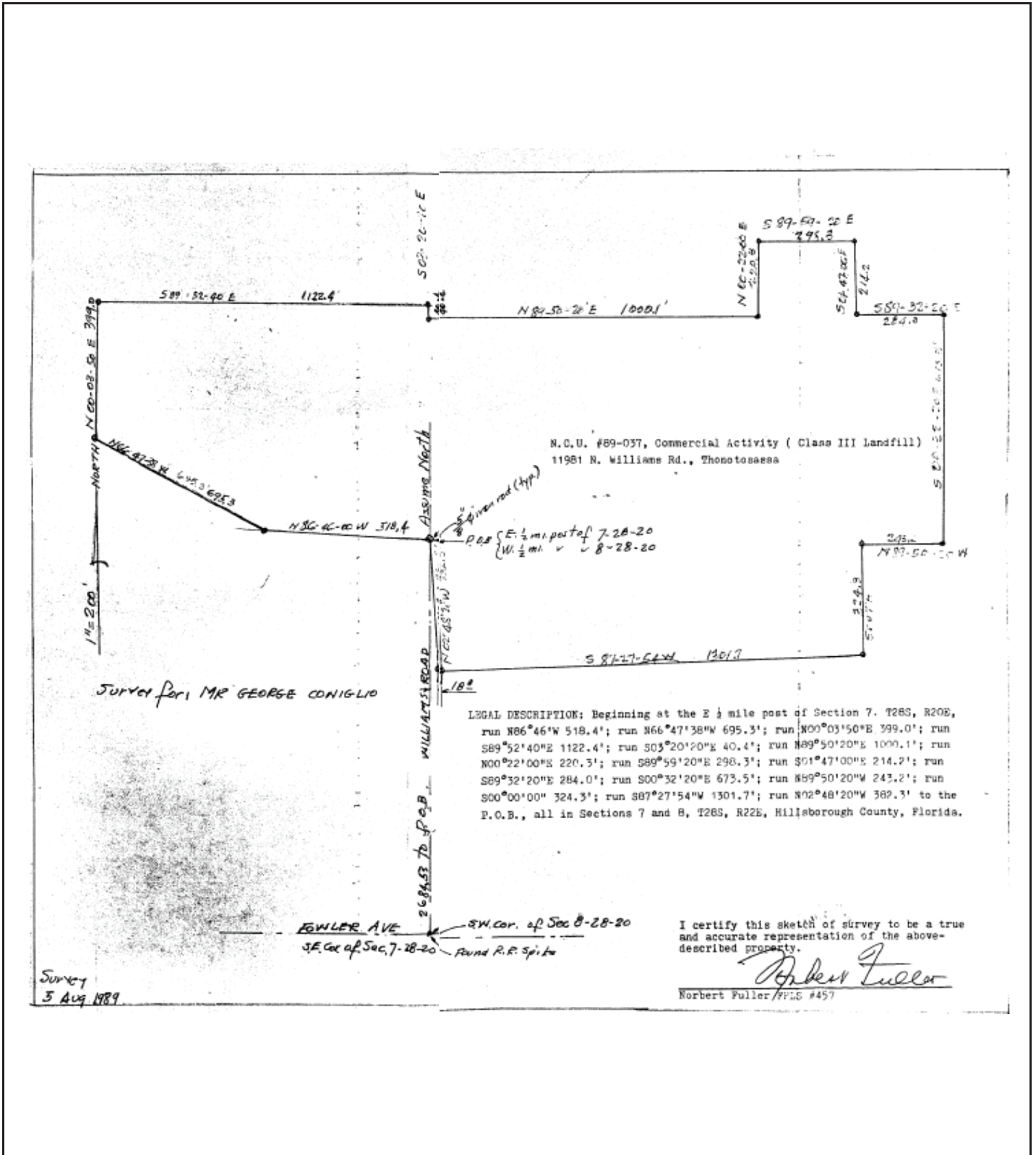
**SITE, SUBDIVISION AND BUILDING CONSTRUCTION IN ACCORDNACE WITH HILLSBOROUGH COUNTY SITE DEVELOPMENT PLAN & BUILDING REVIEW AND APPROVAL.**

Approval of this re-zoning petition by Hillsborough County does not constitute a guarantee that the project will receive approvals/permits necessary for site development as proposed will be issued, nor does it imply that other required permits needed for site development or building construction are being waived or otherwise approved. The project will be required to comply with the Site Development Plan Review approval process in addition to obtain all necessary building permits for on-site structures.

## 7.0 ADDITIONAL INFORMATION AND/OR GRAPHICS



8.0 EXISTING SITE PLAN (FULL)





**9.0 FULL TRANSPORTATION REPORT (see following pages)**

## AGENCY REVIEW COMMENT SHEET

TO: Zoning Technician, Development Services Department

DATE: 3/13/2024

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: Thonotosassa/ Northeast

PETITION NO: SU 23-0955

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached condition.
- This agency objects for the reasons set forth below.

### **CONDITION OF APPROVAL**

- If 23-0955 is approved, the County Engineer will approve a Design Exception request (dated January 5, 2024), which was found approvable by the County Engineer (on March 13, 2024) for the Williams Road substandard road improvements. As Williams Road is a substandard local roadway, the developer will be required to make specific improvements to Williams Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct:
  - A minimum 5-foot-wide sidewalk for a distance of +/- 1,300 ft. along the west side of Williams Road.

### **PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting an adjustment to the boundaries of the established legal nonconforming landfill. The site consists of four parcels totaling +/- 79.2 acres. The site's zoning is Agricultural Rural (AR), and the Future Land Use of the site is Residential – 1 (R-1).

The Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition, does not include a landfill land use category, therefore the applicant provided collected counts to show the facility's impact on the roadway network. No increase in intensity is proposed for the project, and as such, the transportation impact remains the same.

#### **Existing Zoning:**

Zoning, Land Use/Size	24-Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 52.13-acre Landfill Use	213	39	32

#### **Proposed Zoning:**

Zoning, Land Use/Size	24-Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 52.13-acre Landfill Use	213	39	32

**Trip Generation Difference:**

Zoning, Land Use/Size	24-Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+0</b>	<b>+0</b>	<b>+0</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Williams Road. Williams Road is a 2-lane, undivided, substandard, Hillsborough County-maintained local roadway. The roadway is characterized by +/- 10-foot travel lanes. There are no sidewalks along the east side of Williams Road near the project. Williams Road lies within +/- 50ft of right of way in the vicinity of the project.

**SITE ACCESS AND CONNECTIVITY**

The site has an existing vehicular and pedestrian connection to Williams Road. Cross-access is not required per the LDC.

**DESIGN EXCEPTION REQUEST – WILIAMS ROAD SUBSTANDARD ROAD**

As Williams Road is a substandard local roadway, the applicant’s Engineer of Record (EOR) submitted a Design Exception request (dated January 5, 2024) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found the request approvable (on March 13, 2024). The deviations from the Hillsborough County Transportation Technical Manual (TTM) TS-3 Typical Section (for 2-lane Local Urban Roadways) include:

1. The roadway will be permitted to remain in a minimum 50-foot-wide right-of-way in lieu of the 54 feet required pursuant to TS-3;
2. The developer will provide F-type curb in lieu of the Maimi curb required pursuant to TS-3.

As stated in the request, the developer is proposing to construct:

- A minimum 5-foot-wide sidewalk for a distance of +/- 1,300 ft. along the west side of Williams Road.

If 23-0955 is approved, the County Engineer will approve the Design Exception request.

**ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

Williams Road was not included in the Hillsborough County Level of Service Report. As such, information for the facility cannot be provided.

Transportation Comment Sheet

**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)**

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Williams Road	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	213	39	32
Proposed	213	39	32
Difference (+/-)	+0	+0	+0

\*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
Williams Road/ Substandard Road	Design Exception Requested	Approvable
	Choose an item.	Choose an item.
Notes:		

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input checked="" type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Staff Report.

**From:** [Williams, Michael](#)  
**To:** [Micahel Yates \(myates@palmtraffic.com\)](#); [Vicki Castro](#)  
**Cc:** [Jaime Maier](#); [Kami Corbett](#); [Lampkin, Timothy](#); [Steady, Alexander](#); [Tirado, Sheida](#); [De Leon, Eleonor](#); [PW-CEIntake](#)  
**Subject:** FW: RE SU GEN 23-0955 - Design exception Review  
**Date:** Wednesday, March 13, 2024 10:28:24 AM  
**Attachments:** [image002.png](#)  
[image001.png](#)  
[23-0955 DEAdd 03-12-24.pdf](#)  
**Importance:** High

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Vicki/Michael,

I have found the attached Design Exception (DE) for PD 23-0955 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Eleonor De Leon ([DeLeonE@hcfl.gov](mailto:DeLeonE@hcfl.gov) or 813-307-1707) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to [PW-CEIntake@hcfl.gov](mailto:PW-CEIntake@hcfl.gov)

Mike

**Michael J. Williams, P.E.**  
**Director, Development Review**  
**County Engineer**  
Development Services Department

---

P: (813) 307-1851  
M: (813) 614-2190  
E: [Williamsm@HCFL.gov](mailto:Williamsm@HCFL.gov)  
W: HCFLGov.net

**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

Please note: All correspondence to or from this office is subject to Florida's Public Records law.

---

**From:** Tirado, Sheida <TiradoS@hcfl.gov>  
**Sent:** Tuesday, March 12, 2024 6:31 PM  
**To:** Williams, Michael <WilliamsM@hcfl.gov>  
**Cc:** Steady, Alexander <SteadyAl@hcfl.gov>; De Leon, Eleonor <DeLeonE@hcfl.gov>  
**Subject:** RE: RE SU GEN 23-0955 - Design exception Review  
**Importance:** High

Hello Mike,

The attached DE is approvable to me, please include the following people in your response:

[myates@palmtraffic.com](mailto:myates@palmtraffic.com)  
[vcastro@palmtraffic.com](mailto:vcastro@palmtraffic.com)  
[jaime.maier@hwhlaw.com](mailto:jaime.maier@hwhlaw.com)  
[kami.corbett@hwhlaw.com](mailto:kami.corbett@hwhlaw.com)  
[lampkint@hcfl.gov](mailto:lampkint@hcfl.gov)  
[steadyal@hcfl.gov](mailto:steadyal@hcfl.gov)

Best Regards,

**Sheida L. Tirado, PE**  
**Transportation Review Manager**  
Development Services Department

---

P: (813) 276-8364  
E: [tirados@hcfl.gov](mailto:tirados@hcfl.gov)  
W: [HCFLGov.net](http://HCFLGov.net)

**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

-  
Please note: All correspondence to or from this office is subject to Florida's Public Records law.





**Hillsborough  
County Florida**  
Development Services

# Supplemental Information for Transportation Related Administrative Reviews

**Instructions:**

- This form must be provided separately for each request submitted (including different requests of the same type).
- This form must accompany all requests for applications types shown below. Staff will not log in or assign cases that are not accompanied by this form, or where the form is partially incomplete.
- A response is required in every field. Blank fields or non-responsive answers will result in your application being returned.
- All responses must be typed.
- Please contact Ingrid Padron at [padroni@hcpaf.fl.gov](mailto:padroni@hcpaf.fl.gov) or via telephone at (813) 307-1709 if you have questions about how to complete this form.

<b>Request Type</b> (check one)	<input type="checkbox"/> Section 6.04.02.B. Administrative Variance <input checked="" type="checkbox"/> Technical Manual Design Exception Request <input type="checkbox"/> Alternative Parking Plan Request (Reference LDC Sec. 6.05.02.G3.) <input type="checkbox"/> Request for Determination of Required Parking for Unlisted Uses (Reference LDC Sec. 6.05.02.G.1. and G.2.)
<b>Submittal Type</b> (check one)	<input type="checkbox"/> New Request <input checked="" type="checkbox"/> Revised Request <input type="checkbox"/> Additional Information
<b>Submittal Number and Description/Running History</b> (check one and complete text box using instructions provided below)	<input type="checkbox"/> 1. DE-Substandard Rd Williams Rd <input type="checkbox"/> 4. <input checked="" type="checkbox"/> 2. Revised Appendix of DE <input type="checkbox"/> 5. <input type="checkbox"/> 3. <input type="checkbox"/> 6.
<p><b>Important:</b> To help staff differentiate multiple requests (whether of the same or different type), please use the above fields to assign a unique submittal number/name to each separate request. Previous submittals relating to the same project/phase shall be listed using the name and number previously identified. It is critical that the applicant reference this unique name in the request letter and subsequent filings/correspondence. If the applicant is revising or submitting additional information related to a previously submitted request, then the applicant would check the number of the previous submittal.</p>	
<b>Project Name/ Phase</b>	George Conigilo Landfill
<p><b>Important:</b> The name selected must be used on all future communications and submittals of additional/revised information relating to this variance. If request is specific to a discrete phase, please also list that phase.</p>	
<b>Folio Number(s)</b>	060048.0000, 060140.0050, 060141.0000, and 060006.0000
	<input type="checkbox"/> Check This Box If There Are More Than Five Folio Numbers
<p><b>Important:</b> List all folios related to the project, up to a maximum of five. If there are additional folios, check the box to indicate such. Folio numbers must be provided in the format provided by the Hillsborough County Property Appraiser's website (i.e. 6 numbers, followed by a hyphen, followed by 4 additional numbers, e.g. "012345-6789"). Multiple records should be separated by a semicolon and a space e.g. "012345-6789; 054321-9876").</p>	
<b>Name of Person Submitting Request</b>	Vicki Castro, P.E.
<p><b>Important:</b> For Design Exception (DE) Requests, the person submitting must be a Professional Engineer (PE) licensed within the state of Florida. The DE request letter must be signed and sealed.</p>	
<b>Current Property Zoning Designation</b>	
<p><b>Important:</b> For Example, type "Residential Multi-Family Conventional – 9" or "RMC-9". This is not the same as the property's Future Land Use (FLU) Designation. Typing "N/A" or "Unknown" will result in your application being returned. This information may be obtained via the Official Hillsborough County Zoning Atlas, which is available at <a href="https://maps.hillsboroughcounty.org/maphillsborough/maphillsborough.html">https://maps.hillsboroughcounty.org/maphillsborough/maphillsborough.html</a>. For additional assistance, please contact the <a href="#">Zoning Counselors</a> at the Center for Development Services at (813) 272-5600 Option 3.</p>	
<b>Pending Zoning Application Number</b>	SU-NC 23-0955
<p><b>Important:</b> If a rezoning application is pending, enter the application number preceded by the case type prefix, otherwise type "N/A" or "Not Applicable". Use PD for PD rezoning applications, MM for major modifications, PRS for minor modifications/personal appearances.</p>	
<b>Related Project Identification Number (Site/Subdivision Application Number)</b>	N/A
<p><b>Important:</b> This 4-digit code is assigned by the Center for Development Services Intake Team for all Certified Parcel, Site Construction, Subdivision Construction, and Preliminary/Final Plat applications. If no project number exists, please type "N/A" or "Not Applicable".</p>	



January 05, 2024  
Revised March 12, 2024

Mr. Michael Williams, P.E.  
Hillsborough County  
Development Services Department  
Development Review Director  
County Engineer  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: George Coniglio Landfill (SU-NC 23-0955)  
Folios: 060048.0000, 060140.0050, 060141.0000, and 060006.0000  
Design Exception – Williams Road  
Palm Traffic Project No. T24001

Dear Mr. Williams:

The purpose of this letter is to provide justification for the design exception per Transportation Technical Manual (TTM) 1.7 to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility). The zoning request is a special use to allow for the expansion of the NCU (89-0037) to match the FDEP permit boundary on the existing property occupied by the George Coniglio Landfill. The project is located at the end of Williams Road and north of Fowler Avenue, as shown in Figure 1. This request is made based on our virtual meetings on December 14, 2023 and January 04, 2024, with Hillsborough County staff.

The project proposes to have the following access:

- One (1) existing connection to Williams Road at the current terminus.

Williams Road is identified in the Hillsborough County Comprehensive Plan as a local roadway and during our meeting was identified as a substandard road. Williams Road has a posted speed limit of 25 mph with 9 to 10-foot travel lanes, unpaved shoulders, and an approximate 4-foot sidewalk on the west side of the roadway within approximately 50 feet of right of way. There is no sidewalk on the east side of the roadway, except along the frontage of the closed commercial parcel at the intersection of Williams Road and Fowler Avenue. No bike lanes currently exist on either side of Williams Road.

This request is a design exception to the Hillsborough County Transportation Technical Manual for Williams Road from Fowler Avenue to the project entrance, approximately 1,300 feet. The requested exceptions to the TS-3 typical section and the justification are as follows:

1. The existing ROW along Williams Road is approximately 50 feet. The typical TS-3 section for an urban, two-lane undivided local roadway (non-residential) requires a minimum of 54 feet of ROW with 12-foot lanes, Miami curb, and a 5-foot sidewalk on both sides of the roadway.
2. The request is to provide the 12-foot travel lanes, F-type curb in lieu of the Miami curb, and approximately 1,300 feet of 5-foot sidewalk along the west side of Williams Road. No additional sidewalk will be provided along the east side of Williams Road.

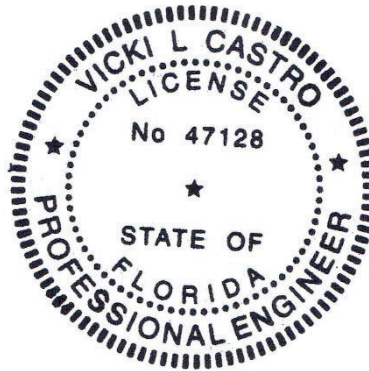
The proposed typical section is shown in Figure 2.

Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

**Vicki L  
Castro**

Digitally signed  
by Vicki L Castro  
Date: 2024.03.12  
14:14:00 -04'00'



This item has been digitally signed and sealed by Vicki L Castro on the date adjacent to the seal.  
  
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Vicki L Castro, P.E.  
Principal

Based on the information provided by the applicant, this request is:

\_\_\_\_\_ Disapproved \_\_\_\_\_ Approved with Conditions \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

**FIGURE 1. LOCATION MAP**

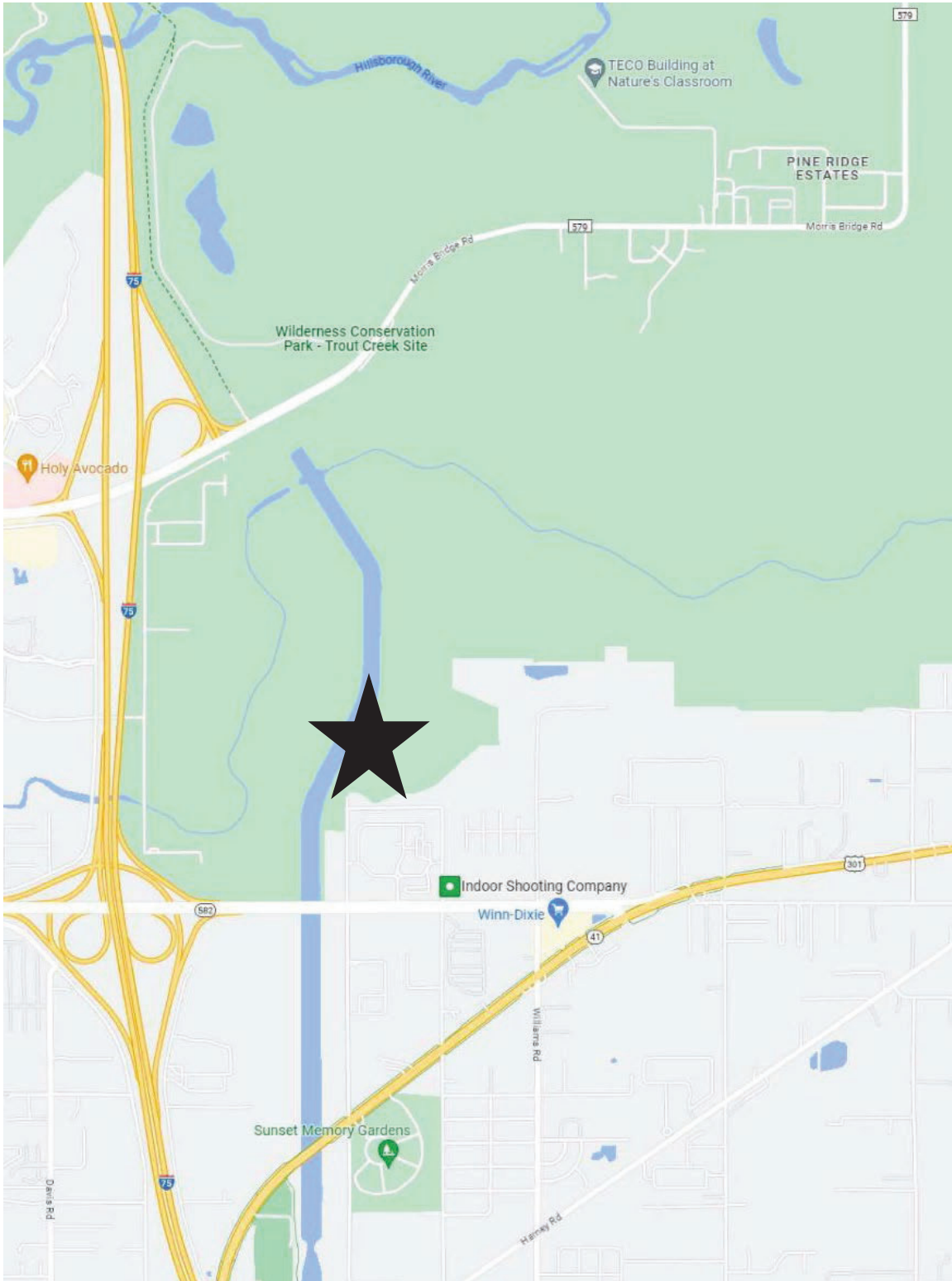
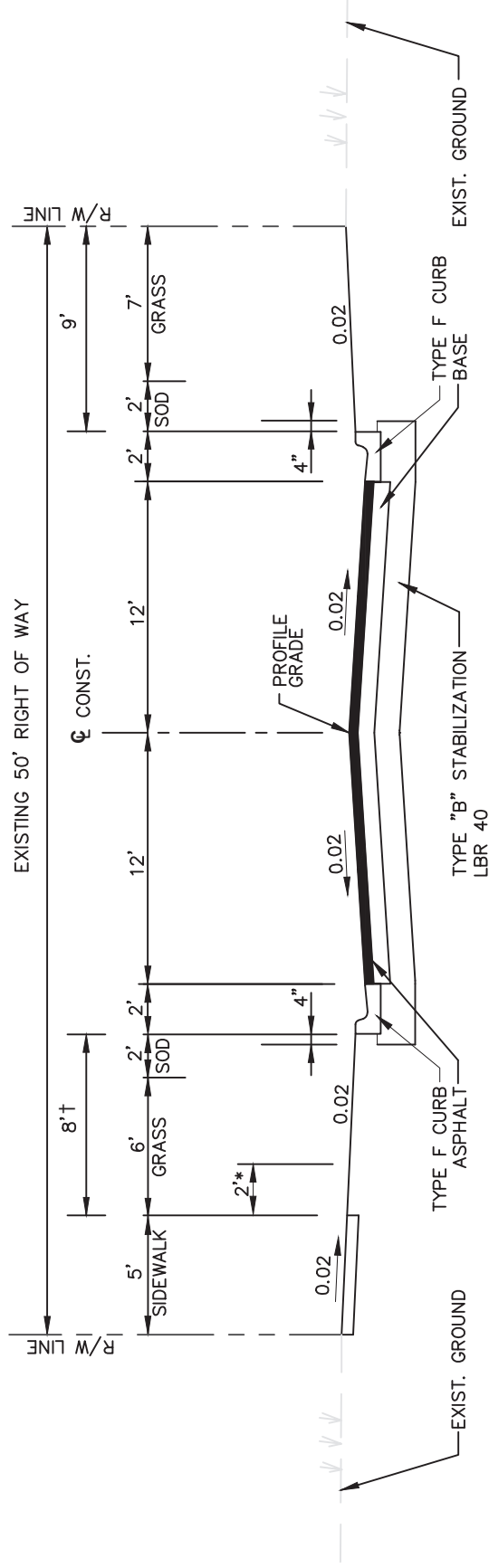


Figure 2: Proposed Typical Section



**TYPICAL SECTION**

N.T.S.

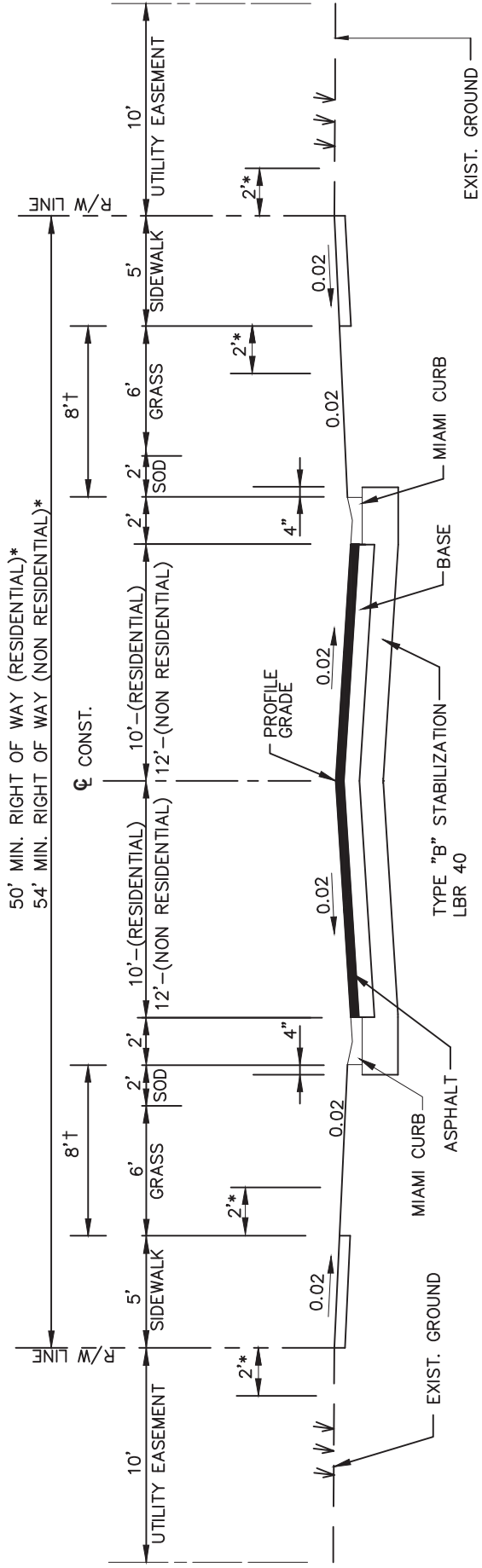
LESS THAN 5,000 AADT

MAX. ALLOWABLE DESIGN SPEED - 35 MPH

- \* 1. PROVIDE 2' MINIMUM CLEARANCE FROM FENCES, WALLS, HEDGES, ABOVEGROUND UTILITIES OR IMPROVEMENTS, DROP OFFS, OR FROM THE TOPS OF BANKS WITH SLOPES STEEPER THAN 1 TO 4, THAT INTERFERE WITH THE SAFE, FUNCTIONAL USE OF THE SIDEWALK. INTERMITTENT ABOVEGROUND UTILITIES, OR MATURE TREES, 2' OR LESS IN DIAMETER MAY BE PLACED IN THIS 2' STRIP AS FAR FROM THE SIDEWALK AS POSSIBLE, IF NOT IN THE CLEAR ZONE.
- † 2. SEE SIDEWALK PROTECTION OPTIONS, DRAWING NO. TD-16 SHEET 7 OF 7 FOR USE WHEN TREES ARE PLANTED IN THE PARKWAY AREA (BETWEEN THE BACK OF CURB AND SIDEWALK).
- 3. SOD SHALL BE PLACED IN TWO ROWS STAGGERED. (BOTH TEMPORARY AND PERMANENT)

DRAWING NO.	<b>WILLIAMS ROAD (2 LANE UNDIVIDED) TYPICAL SECTION</b>	
SHEET NO. 1 OF 1		
DATE:		
12/26/2023		

Figure 3: TS-3



**TYPICAL SECTION**

N.T.S.

LESS THAN 5,000 AADT

MAX. ALLOWABLE DESIGN SPEED - 35 MPH

1. ALL DIMENSIONS SHOWN ARE MINIMUM.
2. SEE APPROPRIATE SECTIONS OF TECHNICAL MANUAL FOR DESIGN PARAMETERS.
- \* 3. PROVIDE 2' MINIMUM CLEARANCE FROM FENCES, WALLS, HEDGES, ABOVEGROUND UTILITIES OR IMPROVEMENTS, DROP OFFS, OR FROM THE TOPS OF BANKS WITH SLOPES STEEPER THAN 1 TO 4, THAT INTERFERE WITH THE SAFE, FUNCTIONAL USE OF THE SIDEWALK. INTERMITTENT ABOVEGROUND UTILITIES, OR MATURE TREES, 2' OR LESS IN DIAMETER MAY BE PLACED IN THIS 2' STRIP AS FAR FROM THE SIDEWALK AS POSSIBLE, IF NOT IN THE CLEAR ZONE.
- † 4. SEE SIDEWALK PROTECTION OPTIONS, DRAWING NO. TD-16 SHEET 7 OF 7 FOR USE WHEN TREES ARE PLANTED IN THE PARKWAY AREA (BETWEEN THE BACK OF CURB AND SIDEWALK).
5. SOD SHALL BE PLACED IN TWO ROWS STAGGERED. (BOTH TEMPORARY AND PERMANENT)

<p>50' MIN. RIGHT OF WAY (RESIDENTIAL)* 54' MIN. RIGHT OF WAY (NON RESIDENTIAL)*</p>	<p>CL CONST.</p>	<p>5' SIDEWALK 10'-(RESIDENTIAL) 12'-(NON RESIDENTIAL) 10'-(RESIDENTIAL) 112'-(NON RESIDENTIAL)</p>	<p>10' UTILITY EASEMENT 5' SIDEWALK 8' GRASS 2' SOD 6' GRASS 2' SOD 2' BASE 10'-(RESIDENTIAL) 12'-(NON RESIDENTIAL) 10'-(RESIDENTIAL) 2' SOD 6' GRASS 2' SOD 5' SIDEWALK 10' UTILITY EASEMENT</p>
<p>EXIST. GROUND</p>	<p>MIAMI CURB ASPHALT</p>	<p>MIAMI CURB BASE TYPE "B" STABILIZATION LBR 40</p>	<p>EXIST. GROUND</p>

REVISION DATE:  
10/17

**TRANSPORTATION  
TECHNICAL  
MANUAL**

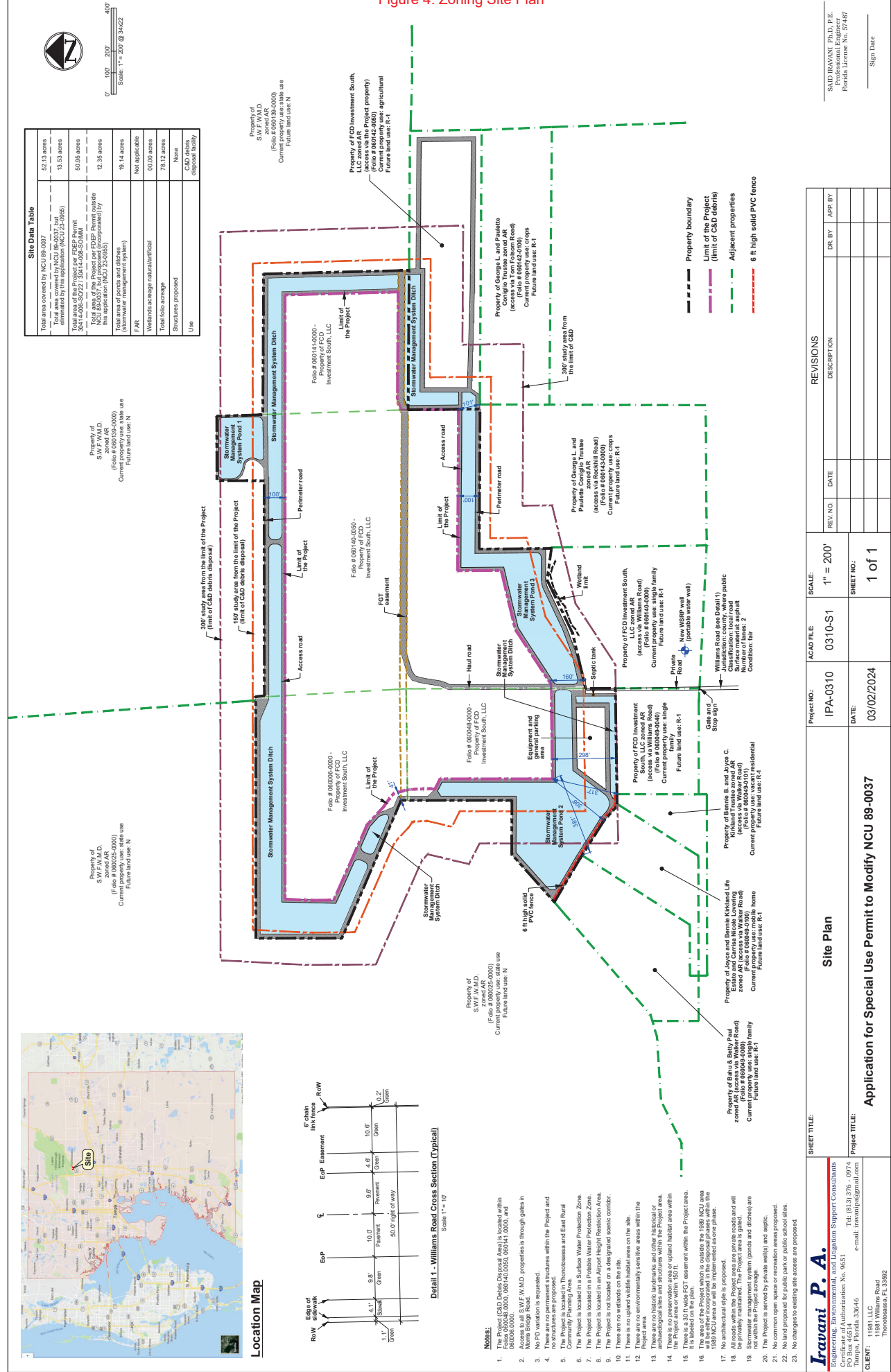


**Hillsborough  
County Florida**

**LOCAL URBAN ROADS  
(2 LANE UNDIVIDED)  
TYPICAL SECTION**

DRAWING NO. **TS-3**  
SHEET NO. 1 OF 1

Figure 4: Zoning Site Plan



<p>SAID RAWANI, Ph.D., P.E. Florida License No. 57487</p> <p>_____ Sign Date</p>											
<p>Project NO: IPA-0310</p> <p>Scale: 1" = 200'</p> <p>ACAD FILE: 0310-S1</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>REV. NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>DR. BY</th> <th>APP. BY</th> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	REV. NO.	DATE	DESCRIPTION	DR. BY	APP. BY					
REV. NO.	DATE	DESCRIPTION	DR. BY	APP. BY							
<p>Date: 03/02/2024</p> <p>Project NO: 0310-S1</p> <p>Sheet NO: 1 of 1</p>	<p>Site Plan</p> <p>Application for Special Use Permit to Modify NCU 89-0037</p>										
<p>Client: 1981 LLC 11981 Williams Road Thonbessara, FL 33592</p>	<p>Engineer, Environmental, and Litigation Support Consultants Certificate of Authorization No. 9651 Tel: (813) 376-0974 Fax: (813) 376-0974 e-mail: rawani@psd.com</p>										

**COUNTY OF HILLSBOROUGH  
RECOMMENDATION OF THE LAND USE HEARING  
OFFICER**

<b>APPLICATION NUMBER:</b>	SU-GEN 23-0955
<b>DATE OF HEARING:</b>	March 25, 2024
<b>APPLICANT:</b>	FCD Investment South, LLC
<b>PETITION REQUEST:</b>	The request is for a Special Use Permit for an adjustment to the boundaries of a legal non-conforming use (landfill)
<b>LOCATION:</b>	1000 feet north of the intersection of Bethune Dr. and Williams Rd.
<b>EXISTING ZONING DISTRICT:</b>	AR
<b>FUTURE LAND USE CATEGORY:</b>	RES-1
<b>SERVICE AREA:</b>	Rural



## STAFF REPORT

**\*Note:** Formatting issues prevented the entire Development Services Department staff report from being copied into the Hearing Master's Recommendation. Therefore, please refer to the Development Services Department web site for the complete staff report.

### 1.0 APPLICATION SUMMARY



Applicant: FCD Investment South, LLC

FLU Category: RES-1

Service Area: Rural

Site Acreage: Approximately 50.95 acres

Community Plan Area: Thonotosassa

Overlay: None

**Introduction Summary:**

The Applicant requests an adjustment to the boundaries of the established legal nonconforming use, pursuant to Land Development Code section 11.03.06.J., to modify the NCU to match up with the C&D debris disposal boundaries of the FDEP Permit. The NCU area per NCU 89-0037 is 52.13 acres in size. The area approved in the FDEP Permit is 50.95 acres. There is approximately 12.35 acres where the FDEP Permit allows disposal operations, but which is not included in the NCU 89-0037 area. Additionally, there are areas covered by the NCU 89-0037 map that are not included in the FDEP Permit. Based on Florida Statutory laws and administrative code(s) governing the FDEP permit those areas of the NCU 89-0037 that are outside the limits of the FDEP permit area cannot be used for disposal.

The 12.35 acres previously not included in NCU 89-0037 will now be included in the disposal operations of the subject site resulting in the total acreage for the subject site's disposal operations decreasing by 1.5 acres *less than* NCU 89-0037, for a total of 50.95 acres. The areas of NCU 89-0037 that are not included in the FDEP Permit will not be used for the Site's disposal operations. The request is made under the "One-time Expansion" provision, to allow this boundary adjustment. A graphic of the existing and proposed boundary is shown in Section 5.0 (Figure 1) of this report.

Per Land Development Code Section 11.03.06.J.1, any expansion, change or rebuilding of a legal nonconforming use requires approval by the Board of County Commissioners under a Nonconformity Special Use Permit. BOCC approved nonconformity expansions are permitted once and may not exceed 50% of the intensity.

**Development Standards: Existing Proposed**

AR (NCU 89-0037)

<p>Setbacks/Buffering and Screening</p>	<p>Setbacks:                      Front: 100 ft.                      Rear: 100 ft.                      Side: 100 ft.                      Adjacent to SWFMD: 40 feet</p> <p><b>Adjacent to AS-1 (Southwest)</b></p> <ul style="list-style-type: none"> <li>Stormwater ponds located along perimeter.</li> </ul>	<p>Setbacks:                      Front: 100 ft.                      Rear: 100 ft.                      Side: 100 ft.                      Adjacent to SWFMD: 40 feet</p> <p><b>Adjacent to AS-1 (Southwest)</b></p> <ul style="list-style-type: none"> <li>Maintain stormwater ponds along perimeter.</li> </ul>
---	---	--

	<ul style="list-style-type: none"> <li>No vertical buffer exists.</li> </ul>	<ul style="list-style-type: none"> <li>6 ft.-high PVC fence exists.</li> </ul>
--	--	--

PD Variation(s)  
 Waiver(s) to the Land Development Code

**Planning Commission Recommendation:** Consistent

**Development Services Recommendation:** APPROVABLE, Subject to Conditions.

**2.0 LAND USE MAP SET AND SUMMARY DATA 2.1 Vicinity Map**

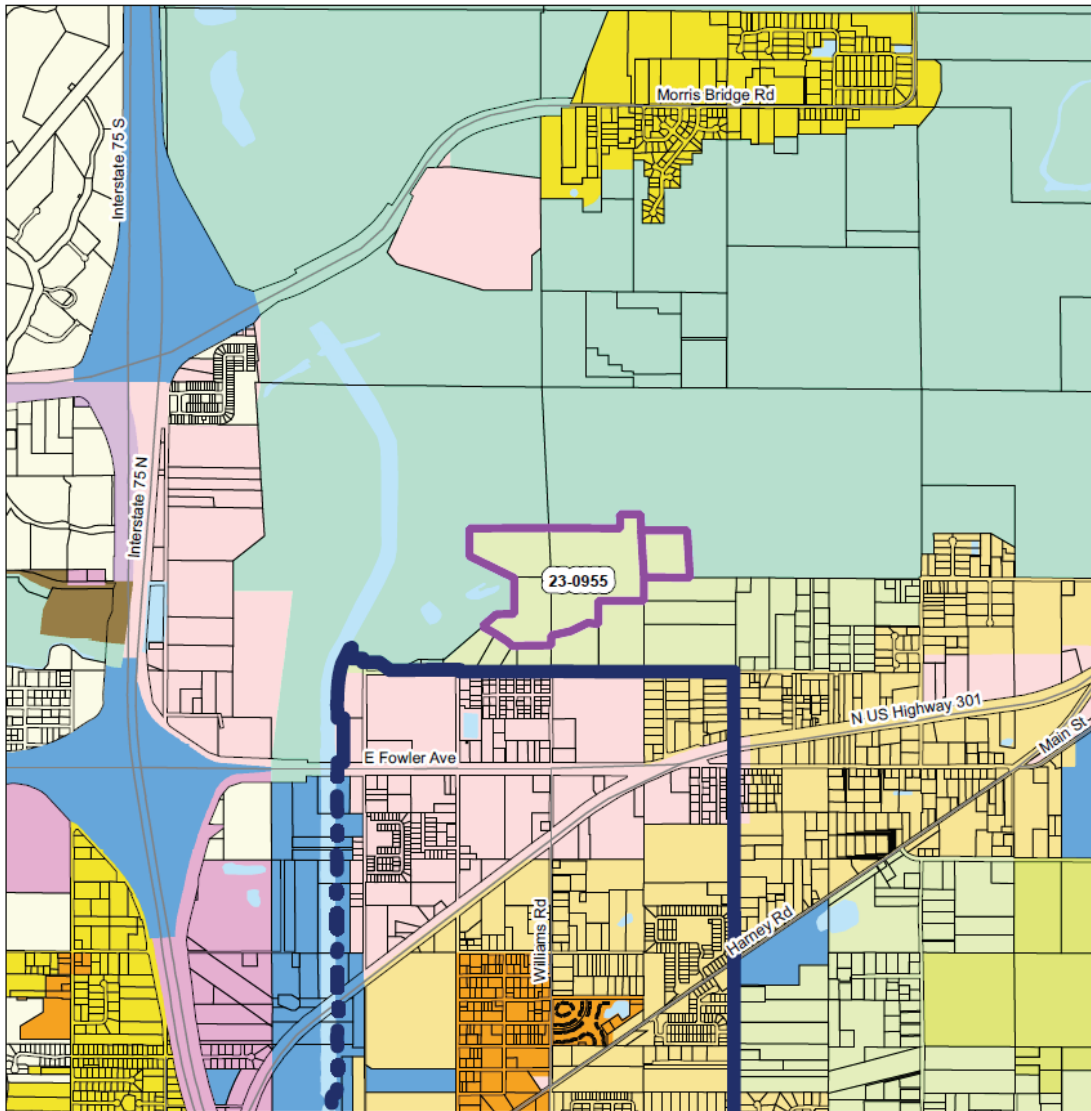


**Context of Surrounding Area:**

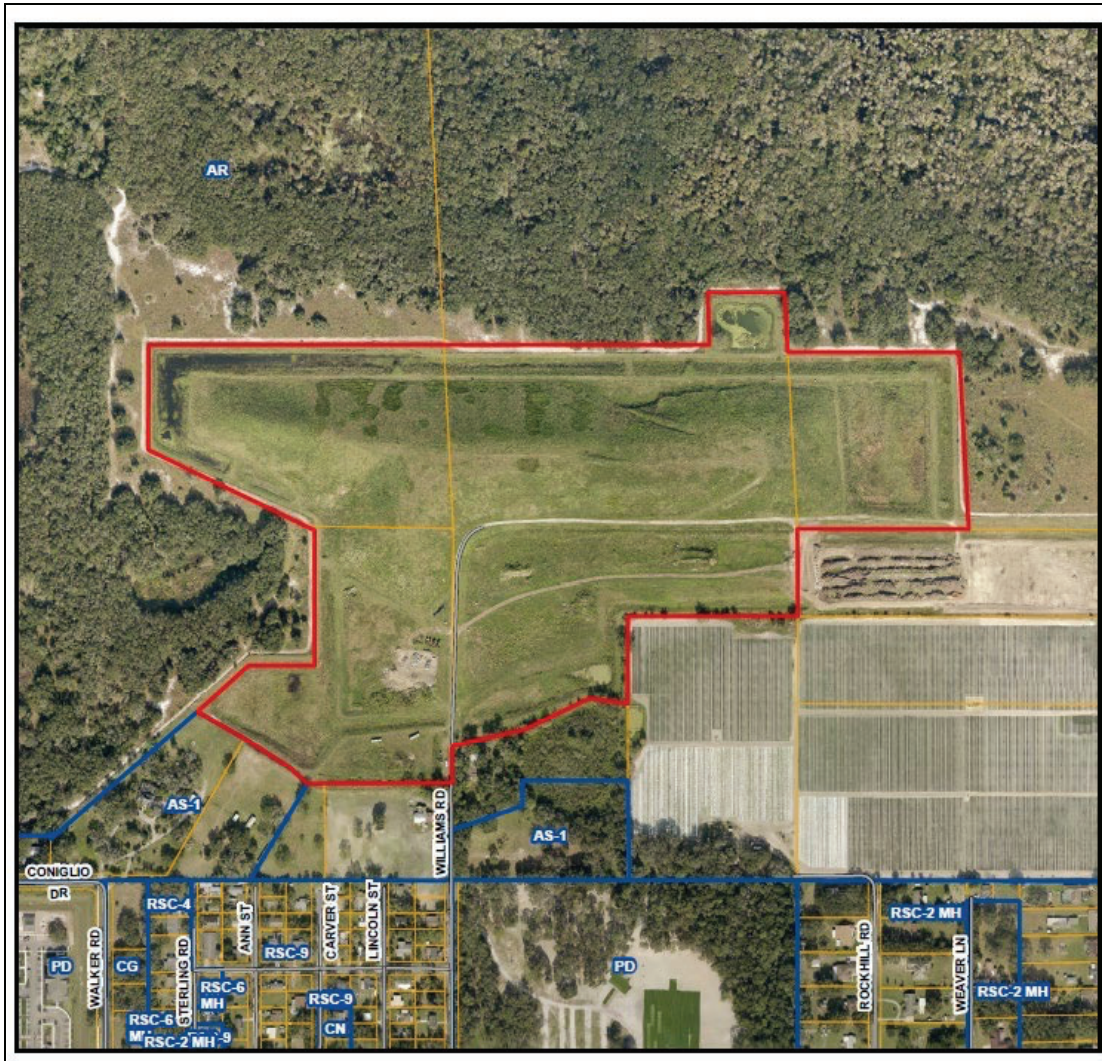
The subject property is located approximately 1,000 feet north of Bethune Drive and Williams Road intersection. The property is approximately 7,000 feet northeast of the Interstate 75 interchange located off Fowler Avenue. The property is approximately 5,000 feet north of the intersection of E. Fowler Avenue and N. U.S. Highway 301. Surrounding the property to the north, west, east and southeast is agricultural lands. Located to the southwest of the subject site are large lot single-family homes located on AS-1 zoned property.

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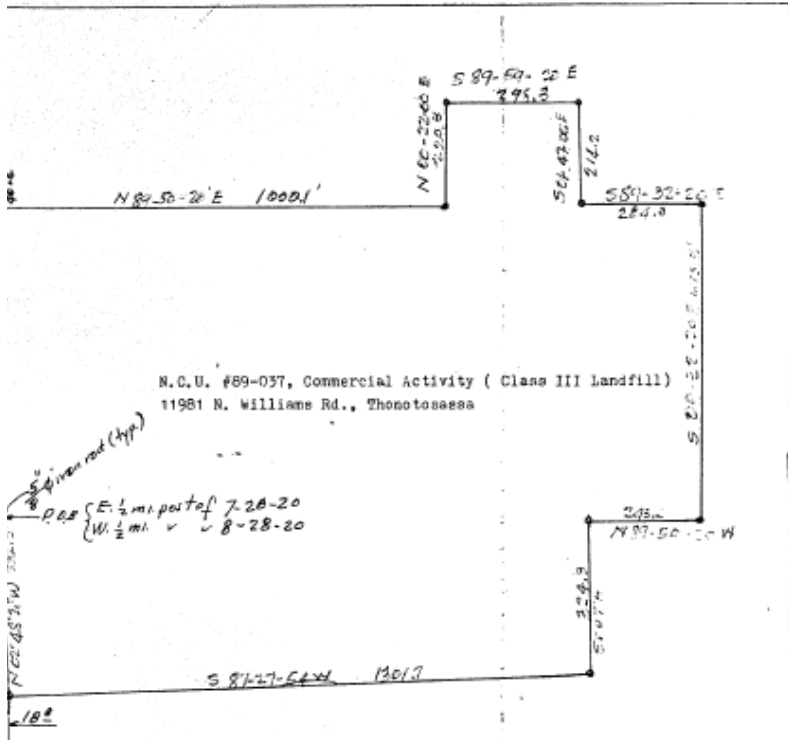
**2.0 LAND USE MAP SET AND SUMMARY DATA 2.2 Future Land Use Map**



## 2.0 LAND USE MAP SET AND SUMMARY DATA 2.3 Immediate Area Map



**2.4 Existing Site Plan** (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



N.C.U. #89-037, Commercial Activity (Class III Landfill)  
 11981 N. Williams Rd., Thonotosassa

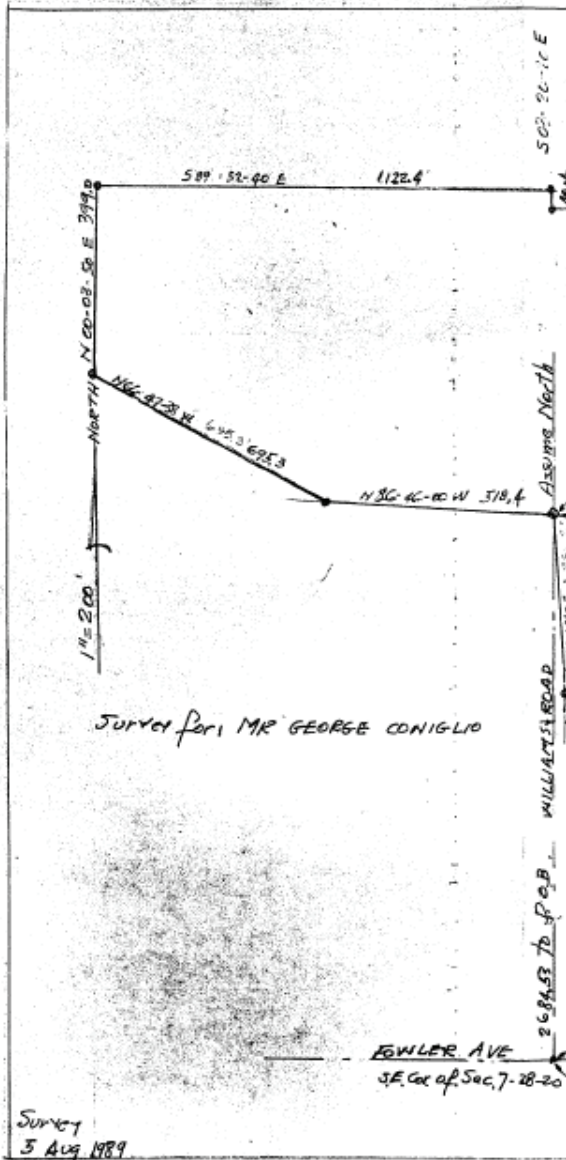
Spike in road (hyp)  
 P.O.B. (E. 1/2 mi. post of 7-28-20  
 W. 1/2 mi. v 8-28-20)

LEGAL DESCRIPTION: Beginning at the E 1/2 mile post of Section 7, T28S, R20E, run N86°46'W 518.4'; run N66°47'38"W 695.3'; run N00°03'50"E 299.0'; run S89°52'40"E 1122.4'; run S03°20'20"E 40.4'; run N89°50'20"E 1000.1'; run N00°22'00"E 220.3'; run S89°59'20"E 298.3'; run S01°47'00"E 214.2'; run S89°32'20"E 284.0'; run S00°32'20"E 673.5'; run N89°50'20"W 243.2'; run S00°00'00" 324.3'; run S87°27'54"W 1301.7'; run N02°48'20"W 382.3' to the P.O.B., all in Sections 7 and 8, T28S, R22E, Hillsborough County, Florida.

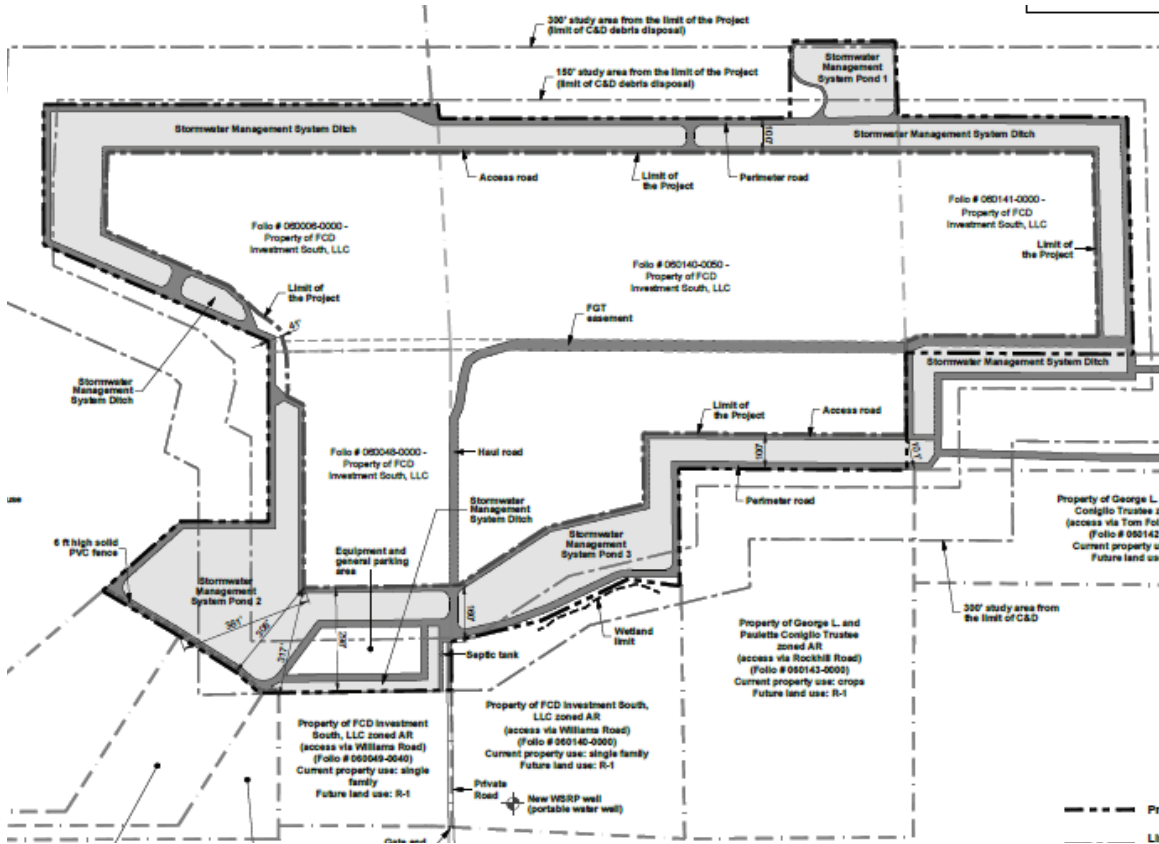
SW. Cor. of Sec 8-28-20  
 Found R.R. Spike

I certify this sketch of survey to be a true and accurate representation of the above-described property.

*Robert Fuller*  
 Norbert Fuller / FLS #457



**2.4 Proposed Site Plan** (partial provided below for size and orientation purposes. See Section 8.0 for full site plan)



**Classification Current Conditions Select Future Improvements**

**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)**

Adjoining Roadways (check if applicable)			
Williams Road	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Other

**Project Trip Generation**  Not applicable for this request

**Connectivity and Cross Access**  Not applicable for this request



**Design Exception/Administrative Variance**  Not applicable for this request

**Road Name/Nature of Request Type**

Williams Road/ Substandard Road Design Exception Requested

<b>4.0 ADDITIONAL SITE INFORMATION &amp; AGENCY COMMENTS SUMMARY</b>				
<b>INFORMATION/REVIEWING AGENCY</b>				
<b>Environmental:</b>	<b>Comments Received</b>	<b>Objections</b>	<b>Conditions Requested</b>	<b>Additional Information/Comments</b>

Environmental Protection Commission Natural Resources Conservation & Environ. Lands Mgmt.

Check if Applicable:

Wetlands/Other Surface Waters

Use of Environmentally Sensitive Land Credit

Wellhead Protection Area

Surface Water Resource Protection Area

Potable Water Wellfield Protection Area

Significant Wildlife Habitat (Upland Wildlife Habitat Area)  Coastal High Hazard Area

Urban/Suburban/Rural Scenic Corridor

Adjacent to ELAPP property

Other: Airport Height Restriction, 170' AMSL

**Public Facilities:**

**Transportation**

Design Exc./Adm. Variance Requested  Off-site Improvements Provided

**Service Area/ Water & Wastewater**

Urban  City of Tampa

Rural  City of Temple Terrace

**Impact/Mobility Fees**

Yes  No

**Hillsborough County School Board**

Adequate  K-5  6-8  9-12  N/A Inadequate  K-5  6-8  9-12  N/A

**Comprehensive Plan:**

**Planning Commission**

Meets Locational Criteria  N/A  Locational Criteria Waiver Requested   
Minimum Density Met  N/A

**5.0 IMPLEMENTATION RECOMMENDATIONS**

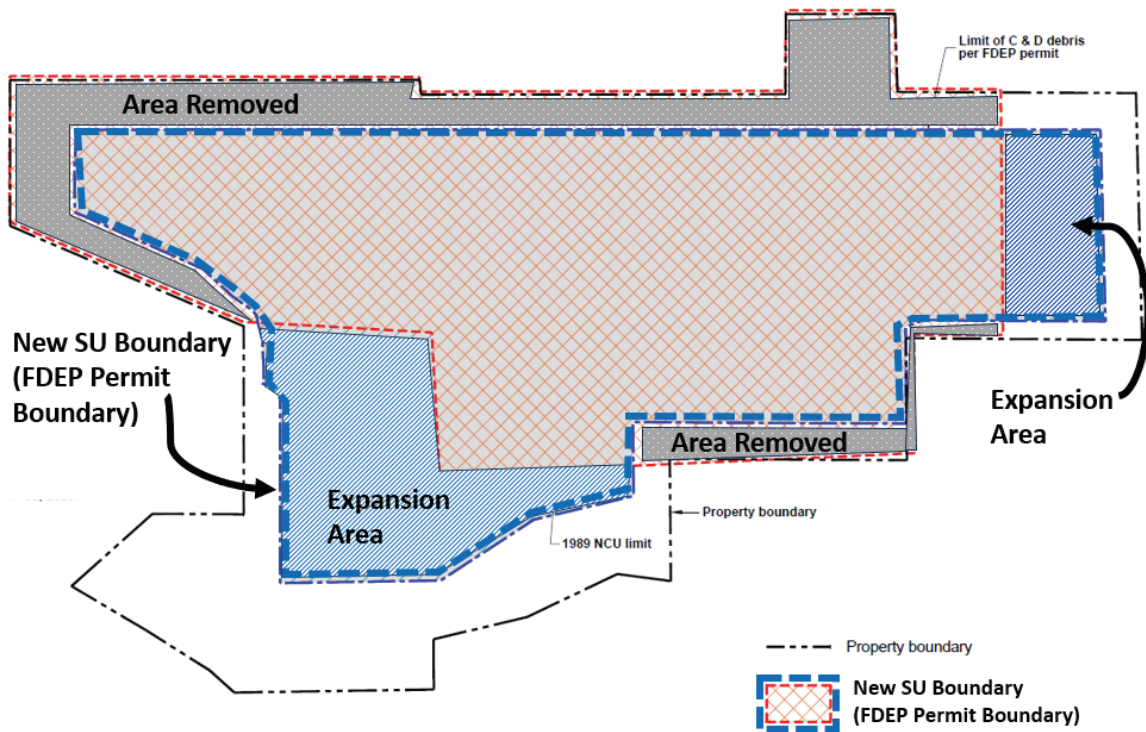
**5.1 Compatibility**

The subject site is currently operating as a Solid Waste Facility (Class III Landfill per NCU 89-0037, June 30, 1989). According to the 1989 Zoning Code, the subject property was zoned “A” Agricultural District. Pursuant to NCU 89-0037, the landfill had been in operation in its current configuration since 1972 with land excavation activities dating back to 1960. This is prior to January 27, 1983, when the Code was amended, and the use became a Conditional Use. Per LDC Sec. 11.03.06.B, uses established legally at the time of development shall be deemed pre-existing and may be certified by the Administrator and allowed to continue.

Pursuant to the 1989 Zoning Ordinance, Landfills were not subject to the minimum 1,000-foot distance from either residential development or a House of Worship. The 200-foot perimeter setback requirement was also not established. Additionally, LDC Section 6.11.55.4, regarding areas of prohibition was codified after the establishment of the landfill and the NCU determination. The 1989 Zoning Ordinance required either a 6-foot-high fence or masonry wall around the perimeter and required landfills have direct access to an arterial or collector street if it were a new use.

Land Development Code section 11.03.06.J, requires that “...any property owner wishing to expand, change or rebuild an existing legal nonconforming use shall apply for a Nonconformity Special Use Permit”. Additionally, expansion of nonconformities shall not occur more than once. This is the first proposed change since 1989. The applicant also notes that this is really an adjustment to the boundaries of the established legal nonconforming use, to modify the NCU to match up with the C&D debris disposal boundaries of the FDEP Permit as shown

in Figure 1. The NCU area per NCU 89- 0037 is 52.13 acres in size. The area approved in the FDEP Permit is 50.95 acres.



**Figure 1**

The current Hillsborough County Land Development Code, Sec. 6.11.55. A, Location Criteria requires a minimum 1,000-foot separation from any dwelling units and Houses of Worship. The existing FDEP permit (i.e., Expansion Area) is approximately 200 feet from the nearest residential structure. The existing area of the FDEP permit is approximately 671 feet from the property line of a House of Worship. Lastly, the applicant acknowledges that the site’s disposal area does not meet the minimum 200-ft. setback in the area adjacent to Southwest Florida Water Management District (SWFWMD) folios. The applicant states in part, in their narrative that the “*expansion area is not creating a new nonconformity in that the disposal area of the Site, per NCU or FDEP Permit, because it has never been 1,000’ or more away from the nearest residential structure or House of Worship as required under the current Land Development Code, nor has it ever been. Rather, the Site is an existing and established legally nonconforming use in the area. Current Code requirements pertaining to location, siting, and compatibility of a landfill – standards per LDC 6.11.55*”.

## **Variance Request to LDC Section 6.06.06 Landscape Buffer**

Section 6.06.06 requires a 30-foot-wide landscaped buffer with Type “C” screening adjacent to the folios southwest of the subject site with single-family residential. The applicant’s justification, in part, states that the existing stormwater management system of ponds and ditches surrounding the disposal area of the site create a significant buffer area over 300 feet. The applicant proposes to provide a 6-foot-high PVC fence with tree plantings (where feasible). Additional justification was included in the applicant’s submittal for the variation. Staff has reviewed the justification statement submitted by the applicant and finds they provided criteria responses per LDC Section 5.03.06.C.6. The Rezoning Hearing Master’s recommendation for this application is required to include a finding on whether the requested variance meets the criteria for approval. Additional information regarding the rationale may be found in the applicant’s narrative including the applicant’s proposed condition to provide a 6-foot-high PVC fence between the boundary of the folios comprising the subject site where it is adjacent to the single-family residential folios located to the southwest of the subject site.

The site will comply with and conform to all other applicable policies and regulations, including but not limited to, the Hillsborough County Land Development Code subject to the proposed conditions of approval. The Planning Commission found that the proposed rezoning would be consistent with the Unincorporated Hillsborough County Comprehensive Plan.

### **5.2 Recommendation**

Based on the above considerations, staff finds the request **APPROVABLE**.

Special Use conditions, which were presented at the Zoning Hearing Master hearing, were reviewed and are incorporated by reference as a part of the Zoning Hearing Master Recommendation.

## **SUMMARY OF HEARING**

This Cause came on for hearing before the Hillsborough County Land Use Hearing Officer on March 25, 2024. Ms. Michelle Heinrich of the Hillsborough County Development Services Department introduced the Petition.

Ms. Kami Corbett 101 East Kennedy Blvd. Suite 3700 testified on behalf of the applicant. Ms. Corbett showed a PowerPoint presentation to discuss the location of the property and stated that the subject parcel is surrounded by land owned by the Water Management District. She testified that the request for a Special Use pertains to an existing legal non-conforming use from 1989. It is a landfill that was established in the 1960’s and became non-conforming in 1989. The landfill is not subject to the citing requirements that are in the Land Development Code with respect to distance separation, buffering and screening. She added that the

project is more than 200 feet from any adjacent residentially zoned property. A letter of support was filed in the record from the adjacent house of worship. The Special Use requests a one-time expansion of the legal non-conforming use which is allowed up to 50 percent but the actual request is 23.69 percent. Ms. Corbett stated that the actual overall acreage is reduced and the request is for the minimum necessary to conform with the existing FDEP permit on file. The 1989 non-conforming use boundary was from a hand drawn survey and the current boundary request is based on real data. Ms. Corbett added that the FDEP has extensively vetted the permit and the Special Use approval will allow the landfill to accept C & D waste in the permitted area. She described the stormwater management system and stated that the applicant has agreed to a 6-foot high PVC fence where the project abuts residential. Ms. Corbett concluded her presentation by stating that there is only one adjacent parcel that is not owned or controlled by the Water Management District and that person has not objected to the expansion.

Hearing Master Finch asked Ms. Corbett when the FDEP permit was issued and if it was an error that it didn't match the boundary of the landfill. Ms. Corbett replied that she would like to come back to that issue later in the hearing.

Mr. Michael Yates 4006 South MacDill Avenue testified on behalf of the applicant regarding transportation issues. Mr. Yates stated that a design exception has been applied for to reconstruct Williams Road from Fowler Avenue to the project entrance to result in a 12-foot travel lane with a 5-foot wide sidewalk along the west side of Williams Road. The County Engineer has deemed the exception approvable.

Ms. Corbett continued her presentation by stating that there is a long history with the landfill. There was a zoning interpretation that was requested by the applicant a couple of years ago confirming that the non-conforming use was continuous during the period of 2009 to 2017 as there were non-compliance issues that resulted in the landfill to stop accepting waste. The permit in place today deals with the issues from 1960 to 2017 therefore she did not believe it was an error in permitting but it does align with the limits of where the landfill is.

Hearing Master Finch asked Ms. Corbett if the landfill activity is happening the blue area of the graphic. Ms. Corbett replied no. She added that they are not accepting waste in that area. Hearing Master Finch asked if then the boundary issue is not an error but rather the request is a one-time expansion to cover the boundaries of the landfill. Ms. Corbett replied yes and stated that the FDEP regulation are more strenuous than the County's and that the Special Use could not be requested without the FDEP signing off on the area for expansion.

Ms. Corbett concluded her presentation by stating that she would file into the record an email from Carla Shelton of County staff where she mistakenly stated that there were grand trees on-site. She acknowledged her error in the email.

Mr. Tim Lampkin of the Development Services staff testified regarding the County staff report. Mr. Lampkin stated that the request is for a Special Use permit for an adjustment to the boundary of a legal non-conforming use for the disposal debris boundary of a FDEP permitted landfill. Mr. Lampkin described the permitting history and stated that the Land Development Code permits a one-time expansion not to exceed 50 percent of the intensity. Mr. Lampkin detailed the landfill's history and stated that a Variation is requested pertaining to the required 30-foot Type C landscape buffer. The applicant instead proposes a 6-foot high PVC fence where the property is adjacent to residential uses.

Ms. Andrea Papandrew of the Planning Commission staff testified that the subject site is located in the Residential-1 Future Land Use Category and the Rural Service Area and the Thonotosassa Community Plan. She describe the existing use and surrounding area and stated listed numerous policies that support the request. The Planning Commission staff found the Special Use request consistent with the Comprehensive Plan.

Hearing Master Finch asked the audience for members in support.

Mr. Harish Patel 7620 Paradise Pointe Circle South St. Petersburg testified in support. Mr. Patel stated that he represents the Temple and has file a letter in support from the Board.

Hearing Master Finch asked the audience for members in opposition. None replied.

Hearing Master Finch asked Ms. Heinrich about the staff report mention of a PD Variation and a Waiver request and what did those entail. Mr. Lampkin replied that there are retention ponds close to the property boundaries. The Variation is to the required buffer and Type C screening and to instead install a 6-foot high PVC fence.

Hearing Master Finch asked Mr. Lampkin about the waiver. Mr. Lampkin replied it is an expansion of the non-conforming use.

Ms. Heinrich of the Development Services Department did not have additional comments.

Ms. Corbett testified during the rebuttal portion of the hearing and stated that she disagreed with staff that a waiver is needed as the criteria is not applicable to the non-conforming use. She stated that the Variation is also not needed as it is within staff's purview to request a condition for fencing as a matter of demonstrating that there are not adverse impacts and that the criteria is not applicable to the subject non-conforming use. She added that the request is to maximize the footprint to avoid the need for other landfills in the County.

Ms. Corbett showed a map to discuss the location of the House of Worship.

Hearing Master Finch stated that the property is not zoned Planned Development but rather Agricultural Rural.

Ms. Corbett testified that staff classified the non-compliance with the existing standards as a waiver but it is not a waiver but rather a continuation of the non-conforming use.

Ms. Heinrich stated that staff has to demonstrate that the expansion is not creating a compatibility issue and that the issue could be handled as a condition and not a waiver.

Hearing Master Finch asked Ms. Heinrich if the buffer issue was a Variation. Ms. Heinrich replied it was not applicable but rather a Special Use condition.

Ms. Corbett replied that it is within staff's purview to request conditions but not a waiver or Variation.

The hearing was then concluded.

### **EVIDENCE SUBMITTED**

Ms. Corbett submitted a copy of her PowerPoint presentation and letters of support into the record.

### **PREFACE**

All matters that precede the Summary of Hearing section of this Decision are hereby incorporated into and shall constitute a part of the ensuing Findings of Fact and Conclusions of Law.

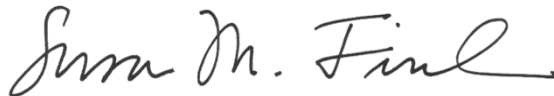
### **FINDINGS OF FACT**

1. The subject property is 50.95 acres in size and zoned Agricultural Rural (AR) and designated Residential-1 (RES-1) by the Comprehensive Plan. The property is located within the Rural Service Area and the Thonotosassa South Community Planning Area.
2. The Special Use application is proposed for the expansion of a legal non-conforming landfill. The applicant would like the boundary of the non-conforming use for the landfill to match the approved FDEP permit.

3. The landfill has been in operation since the 1960's. The site was certified as a legal non-conforming use on June 30, 1989 (NCU 89-0037). The landfill is therefore not subject to the separation standards from residential or a House of Worship.
4. The Land Development Code permits a one-time expansion. The applicant's representative testified that the 1989 non-conforming use boundary was based on a hand drawn survey. The current survey is based on real data.
5. The Planning Commission found the Special Use consistent with the Comprehensive Plan.
6. The Development Services Department staff report cited a Planned Development Variation and Waiver that was needed as a part of the Special Use application. Discussion at the Zoning Hearing Master hearing concluded that those approvals were not required as the landfill predates the regulations pertaining to separation and screening standards and that staff had the authority to propose Special Use conditions that will result, for example, in the applicant providing a 6-foot high PVC fence with tree plantings where feasible as determined by the County's Natural Resource Section.
7. The Special Use to recognize the existing landfill and match the boundary with the already approved FDEP permit through the use of the one-time expansion provision in the Land Development Code.

### **RECOMMENDATION**

Based on the foregoing, the applicant has satisfied the criteria for issuance of a Special Use permit for a landfill. The Special Use is recommended for **APPROVAL**.



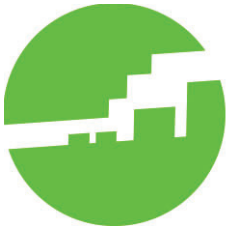
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**Susan M. Finch, AICP**  
**Land Use Hearing Officer**

April 15, 2024

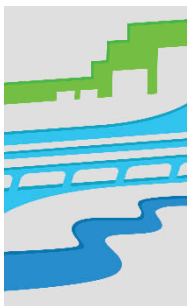
**Date**





**Hillsborough County  
City-County  
Planning Commission**

<b>Unincorporated Hillsborough County Special Use</b>	
<b>Hearing Date:</b> March 25, 2024  <b>Report Prepared:</b> March 13, 2024	<b>Petition: SU 23-0955</b>  <b>Folio: 060006-0000, 060140-0050, 060048-0000 and 060141-0000</b>  <i>North of East Fowler Avenue, east of Interstate-75, west of U.S. Highway 301 and at the end of Williams Road</i>
<b>Summary Data:</b>	
<b>Comprehensive Plan Finding:</b>	<b>CONSISTENT</b>
<b>Adopted Future Land Use:</b>	<b>Residential-1 (1 du/ga; 0.25 FAR) &amp; Natural Preservation (N)</b>
<b>Service Area:</b>	<b>Rural</b>
<b>Community Plan:</b>	<b>Thonotosassa</b>
<b>Special Use Request:</b>	Expansion of an existing legal non-conforming use to expand the boundaries of a Class III Land Fill
<b>Parcel Size (Approx.):</b>	79.89 +/- acres
<b>Street Functional Classification:</b>	East Fowler Ave- <b>Principal Arterial</b> Fort King Highway- <b>Principal Arterial</b> Williams Road- <b>Local</b>
<b>Locational Criteria:</b>	N/A
<b>Evacuation Zone:</b>	None



## Context

- The approximately 79.89 +/- acre subject site is located north of East Fowler Avenue, east of Interstate-75, west of U.S. Highway 301 and at the end of Williams Road. The subject site is located in the Rural Area and is within the limits of the Thonotosassa Community Plan.
- The subject site has 79.16 acres within the Residential-1 (RES-1) Future Land Use classification and 0.73 acres within the Natural Preservation (N) Future Land Use designation. The intent for the RES-1 Future Land Use category is to designate areas for rural residential uses, compatible with short-term Agricultural Uses. Other uses including rural scale neighborhood commercial typical uses of RES-1 include residential, rural scale neighborhood commercial, office uses, multi-purpose projects and mixed-use development. Non-residential uses shall meet established locational criteria for specific land use. Agricultural uses may be permitted pursuant to policies in the agricultural objective areas of the Future Land Use Element. The intent of the Natural Preservation Future Land use is to recognize public or privately owned lands of significant environmental importance set aside primarily for conservation purposes. Typical uses of the Natural Preservation Future Land Use is open space and passive nature parks.
- The property is currently vacant and to the north, northeast, northwest, south and west is public/quasi-public institutional uses. To the south, southwest and southeast are single-family, vacant and agricultural uses.
- The subject site is currently operating as a Solid Waste Facility and has Agricultural Rural (AR) zoning. The area to the southwest and southeast has Agricultural Single-Family -1 (AS-1) zoning. The areas north, northeast, northwest, east and west are have AR zoning.
- The applicant is requesting a onetime expansion of an existing legal non-conforming use to expand the boundaries of a Class III Land Fill.

## Compliance with Comprehensive Plan:

The following Goals, Objectives, and Policies apply to this rezoning request and are used as a basis for a consistency finding.

## **FUTURE LAND USE ELEMENT**

### ***Rural Area***

***Policy 1.4:*** *Compatibility is defined as the characteristics of different uses or activities or design which allow them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include the following: height, scale, mass and bulk of structures, pedestrian or vehicular traffic, circulation, access and parking impacts, landscaping, lighting, noise, odor and architecture. Compatibility does not mean “the same as.” Rather, it refers to the sensitivity of development proposals in maintaining the character of existing development.*

***Objective 4:*** *The Rural Area will provide areas for long term, agricultural uses and large lot, low density rural residential uses which can exist without the threat of urban or suburban encroachment, with the goal that no more than 20% of all population growth within the County will occur in the Rural Area.*

### ***Land Use Categories***

**Objective 8:** *The Future Land Use Map will include Land Use Categories which outline the maximum level of intensity or density and range of permitted land uses allowed and planned for an area. A table of the land use categories and description of each category can be found in Appendix A.*

**Policy 8.1:** *The character of each land use category is defined by building type, residential density, functional use, and the physical composition of the land. The integration of these factors sets the general atmosphere and character of each land use category. Each category has a range of potentially permissible uses which are not exhaustive but are intended to be illustrative of the character of uses permitted within the land use designation. Not all of those potential uses are routinely acceptable anywhere within that land use category.*

### **Relationship to Land Development Regulations**

**Objective 9:** *All existing and future land development regulations shall be made consistent with the Comprehensive Plan, and all development approvals shall be consistent with those development regulations as per the timeframe provided for within Chapter 163, Florida Statutes. Whenever feasible and consistent with Comprehensive Plan policies, land development regulations shall be designed to provide flexible, alternative solutions to problems.*

**Policy 9.2:** *Developments must meet or exceed the requirements of all land development regulations as established and adopted by Hillsborough County, the state of Florida and the federal government unless such requirements have been previously waived by those governmental bodies.*

**Policy 9.3:** *In implementing this Comprehensive Plan, Hillsborough County shall continue to recognize legal non-conforming uses and permit the rebuilding or expansion of existing legal non-conforming uses which do not have any significant adverse effects on adjacent properties. With the exception of principle residences or uses or structures destroyed by an act of God, the expansion of non-conforming uses and rebuilding of non-conforming uses, shall not occur more than once. The expansion or rebuilding shall not result in an increase of the intensity of use which exceeds fifty (50) percent of the existing intensity or the maximum building square footage within the plan category, except in conformance with policy 21.4. However, the expansion may permit the construction of a use that is less intense than the existing non-conforming use. The new use may still be non-conforming with the plan. All expansions or rebuilding shall be consistent with other plan policies.*

### **Environmental and Sustainability Section (E&S)**

**Objective 3.5:** *Apply adopted criteria, standards, methodologies and procedures to manage and maintain wetlands and/or other surface waters for optimum fisheries and other environmental values in consultation with EPC.*

**Policy 3.5.1:** *Collaborate with the EPC to conserve and protect wetlands and/or other surface waters from detrimental physical and hydrological alteration. Apply a comprehensive planning-based approach to the protection of wetland ecosystems assuring no net loss of ecological values provided by the functions performed by wetlands and/or other surface waters authorized for projects in Hillsborough County.*

**Policy 3.5.2:** Collaborate with the EPC through the land planning and development review processes to prohibit unmitigated encroachment into wetlands and/or other surface waters and maintain equivalent functions.

**Policy 3.5.4:** Regulate and conserve wetlands and/or other surface waters through the application of local rules and regulations including mitigation during the development review process.

## **Livable Communities Element – Thonotosassa Community Plan**

### **Goals**

**5. Environment** – Protect water, wildlife, air, soil and trees through effective planning, consistent enforcement of existing regulations, and incentives. The Thonotosassa community values its natural environment and wants to see it protected in a way that balances environmental protection and private property rights

### **Staff Analysis of Goals, Objectives and Policies**

The approximately 79.89 acre subject site is located north of East Fowler Avenue, east of Interstate-75, west of U.S. Highway 301 and at the end of Williams Road. The subject site is located in the Rural Area and is within the limits of the Thonotosassa Community Plan. The applicant is requesting a onetime expansion of an existing legal non-conforming use to expand the boundaries of a Class III Land Fill.

The subject site's Future Land Use Classification on the Future Land Use Map (FLUM) is 79.16 acres with the Residential-1 (RES-1) Future Land Use classification and 0.73 acres with the Natural Preservation (N) Future Land Use designation.

The subject site is currently operating as a Solid Waste Facility and has Agricultural Rural (AR) zoning. The area to the southwest and southeast has Agricultural Single-Family -1 (AS-1) zoning. The areas north, northeast, northwest, east and west have AR zoning. The proposed Special Use will not undermine the intent of Rural Area policies of Objective 4 of the Future Land Use Element. While the site is an existing Class III Landfill use in the Rural Area, it is recognized as a legal non-conforming use and is in proximity to non-residential uses such as Agriculture. The Applicant requests an 23.69 % expansion which under the Land Development Code allows a one-time expansion of a legal nonconforming use up to 50% of the use's existing square footage.

The proposed Special Use meets the intent of Objective 9 and Policies 9.1 and 9.2 which require all development to adhere to local, state and federal land development regulations. Policy 9.3 of the Comprehensive Plan recognizes the existence and continuation of legal non-conforming uses in the County so long as they do not increase in intensity or negatively impact adjacent properties. The request does expand the boundary of the non-conforming use within the property boundary. However, the landfill activity remains at a far distance from residential. The only area in question is to the southwest, and the applicants site plan shows a distance of 381 feet from the nearest residential lot boundary to the proposed landfill activity. Furthermore, there are stormwater ponds that surrounded the entire land fill activity area which will help with buffering and stormwater run-off.

The subject site meets the intent of environmental Goal 5 of the Thonotosassa Community Plan that seeks to preserve the environmental integrity. There are no environmental areas

onsite but there a wilderness conservation park to the north of the subject site. However, none of the activity proposed on the site conflicts with the viability of the park. The Environmental Services Division has issued a letter dated February 9, 2024 requiring environmental reports to be the submitted to the Florida Department of Environmental Protection for monitoring. The Conservation and Environmental Land Management Department has no objections. The EPC Wetlands Division has reviewed the proposed site plan that was submitted into Optix and has determined that a resubmittal is not necessary for the site plan's current configuration.

Overall, the proposed Special Use would allow for development that is consistent with the Goals, Objectives and Policies of the *Unincorporated County Comprehensive Plan*.

**Recommendation**

Based upon the above considerations, the Planning Commission staff finds the proposed Special Use **CONSISTENT** with the *Unincorporated County Comprehensive Plan*, subject to the conditions proposed by the Development Services Department.

# HILLSBOROUGH COUNTY FUTURE LAND USE RZ SU 23-0955

<all other values>

## Rezoning

### STATUS

- APPROVED
- CONTINUED
- DENIED
- WITHDRAWN
- PENDING

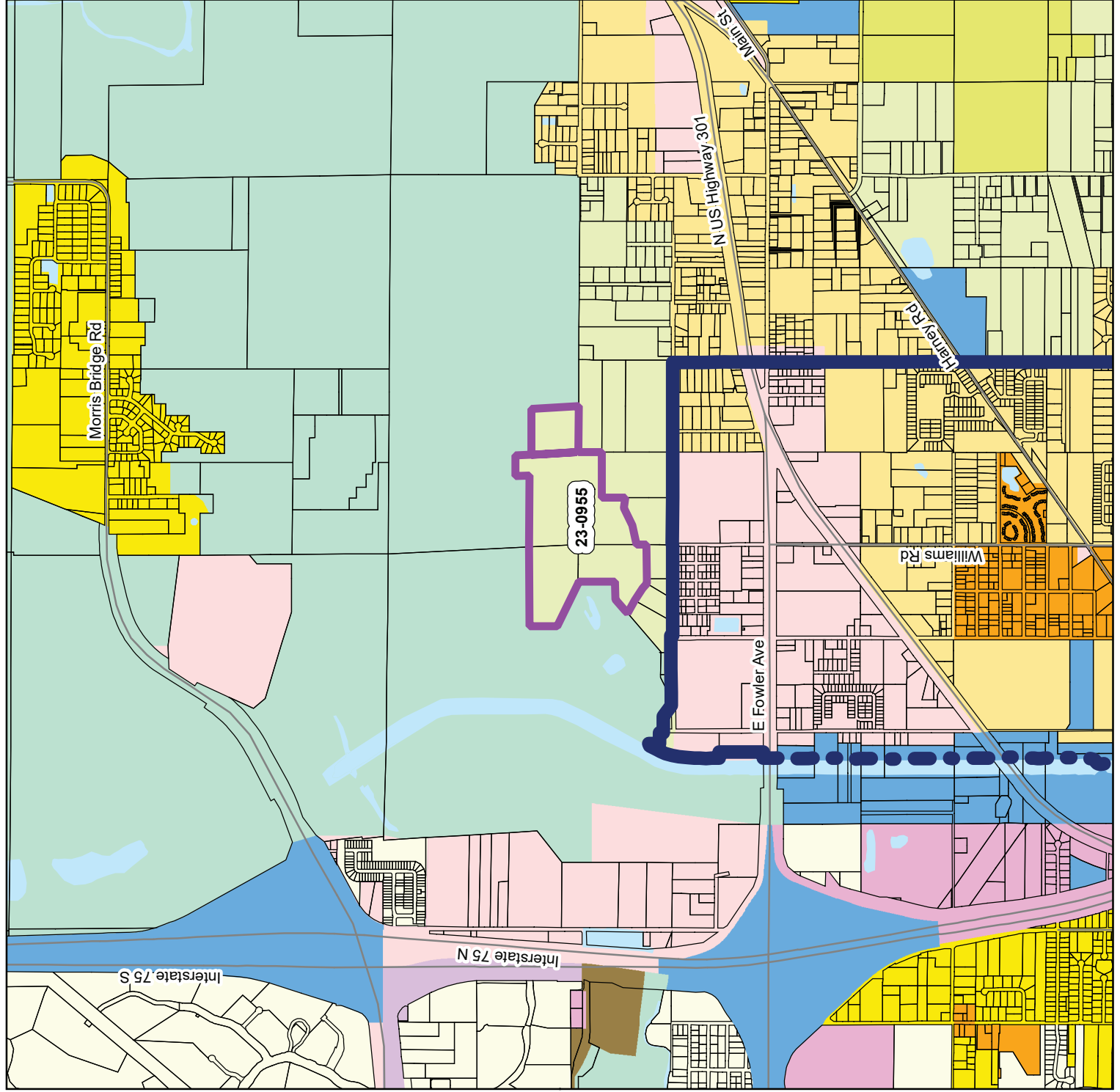
- Tampa Service Area
- Urban Service Area
- Shoreline
- County Boundary
- Jurisdiction Boundary
- Major Roads
- Parcels

- WATER NATURAL LULC\_Wet\_Poly
- AGRICULTURAL/MINING-1/20 (.25 FAR)
- PEC PLANNED ENVIRONMENTAL COMMUNITY-1/2 (.25 FAR)
- AGRICULTURAL-1/10 (.25 FAR)
- AGRICULTURAL/RURAL-1/5 (.25 FAR)
- AGRICULTURAL ESTATE-1/2.5 (.25 FAR)
- RESIDENTIAL-1 (.25 FAR)
- RESIDENTIAL-2 (.25 FAR)
- RESIDENTIAL PLANNED-2 (.35 FAR)
- RESIDENTIAL-4 (.25 FAR)
- RESIDENTIAL-6 (.25 FAR)
- RESIDENTIAL-9 (.35 FAR)
- RESIDENTIAL-12 (.35 FAR)
- RESIDENTIAL-16 (.35 FAR)
- RESIDENTIAL-20 (.35 FAR)
- RESIDENTIAL-35 (1.0 FAR)
- NEIGHBORHOOD MIXED USE-4 (3) (.35 FAR)
- SUBURBAN MIXED USE-6 (.35 FAR)
- COMMUNITY MIXED USE-12 (.50 FAR)
- URBAN MIXED USE-20 (1.0 FAR)
- REGIONAL MIXED USE-35 (2.0 FAR)
- INNOVATION CORRIDOR MIXED USE-35 (2.0 FAR)
- OFFICE COMMERCIAL-20 (75 FAR)
- RESEARCH CORPORATE PARK (1.0 FAR)
- ENERGY INDUSTRIAL PARK (.50 FAR USES OTHER THAN RETAIL, .25 FAR RETAIL/COMMERCE)
- LIGHT INDUSTRIAL PLANNED (75 FAR)
- LIGHT INDUSTRIAL (75 FAR)
- HEAVY INDUSTRIAL (75 FAR)
- PUBLIC/QUASH-PUBLIC
- NATURAL PRESERVATION
- WIMAUVA VILLAGE RESIDENTIAL-2 (.25 FAR)
- CITRUS PARK VILLAGE



DATA SOURCES: Rezoning boundaries from The Planning Commission and are not official. Parcel lines and data from Hillsborough County Property Appraiser. The rezoning status is for informational purposes only. It is intended that the City-County Planning Commission. ACCURACY: It is intended that the Hillsborough County City-County Planning Commission. This map is for informational purposes only. For the most current data and information, visit the appropriate website.

Map Printed from Rezoning System: 9/18/2023  
 Author: Beverly F. Daniels  
 File: C:\Rezoning\System\MapProjects\HC\Gea\_hf\Rezoning - Copy.mxd





# **AGENCY COMMENTS**

**AGENCY REVIEW COMMENT SHEET**

TO: Zoning Technician, Development Services Department

DATE: 3/13/2024

REVIEWER: Alex Steady, AICP

AGENCY/DEPT: Transportation

PLANNING AREA/SECTOR: Thonotosassa/ Northeast

PETITION NO: SU 23-0955

- This agency has no comments.
- This agency has no objection.
- This agency has no objection, subject to the listed or attached condition.
- This agency objects for the reasons set forth below.

**CONDITION OF APPROVAL**

- If 23-0955 is approved, the County Engineer will approve a Design Exception request (dated January 5, 2024), which was found approvable by the County Engineer (on March 13, 2024) for the Williams Road substandard road improvements. As Williams Road is a substandard local roadway, the developer will be required to make specific improvements to Williams Road consistent with the Design Exception. Specifically, prior to or concurrent with the initial increment of development, the developer shall construct:
  - A minimum 5-foot-wide sidewalk for a distance of +/- 1,300 ft. along the west side of Williams Road.

**PROJECT SUMMARY AND ANALYSIS**

The applicant is requesting an adjustment to the boundaries of the established legal nonconforming landfill. The site consists of four parcels totaling +/- 79.2 acres. The site's zoning is Agricultural Rural (AR), and the Future Land Use of the site is Residential – 1 (R-1).

The Institute of Transportation Engineer’s Trip Generation Manual, 11th Edition, does not include a landfill land use category, therefore the applicant provided collected counts to show the facility's impact on the roadway network. No increase in intensity is proposed for the project, and as such, the transportation impact remains the same.

**Existing Zoning:**

Zoning, Land Use/Size	24-Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 52.13-acre Landfill Use	213	39	32

**Proposed Zoning:**

Zoning, Land Use/Size	24-Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
AR, 52.13-acre Landfill Use	213	39	32



**Trip Generation Difference:**

Zoning, Land Use/Size	24-Hour Two-Way Volume	Total Peak Hour Trips	
		AM	PM
<b>Difference</b>	<b>+0</b>	<b>+0</b>	<b>+0</b>

**TRANSPORTATION INFRASTRUCTURE SERVING THE SITE**

The site has frontage on Williams Road. Williams Road is a 2-lane, undivided, substandard, Hillsborough County-maintained local roadway. The roadway is characterized by +/- 10-foot travel lanes. There are no sidewalks along the east side of Williams Road near the project. Williams Road lies within +/- 50ft of right of way in the vicinity of the project.

**SITE ACCESS AND CONNECTIVITY**

The site has an existing vehicular and pedestrian connection to Williams Road. Cross-access is not required per the LDC.

**DESIGN EXCEPTION REQUEST – WILIAMS ROAD SUBSTANDARD ROAD**

As Williams Road is a substandard local roadway, the applicant’s Engineer of Record (EOR) submitted a Design Exception request (dated January 5, 2024) to determine the specific improvements that would be required by the County Engineer. Based on factors presented in the Design Exception request, the County Engineer found the request approvable (on March 13, 2024). The deviations from the Hillsborough County Transportation Technical Manual (TTM) TS-3 Typical Section (for 2-lane Local Urban Roadways) include:

1. The roadway will be permitted to remain in a minimum 50-foot-wide right-of-way in lieu of the 54 feet required pursuant to TS-3;
2. The developer will provide F-type curb in lieu of the Maimi curb required pursuant to TS-3.

As stated in the request, the developer is proposing to construct:

- A minimum 5-foot-wide sidewalk for a distance of +/- 1,300 ft. along the west side of Williams Road.

If 23-0955 is approved, the County Engineer will approve the Design Exception request.

**ROADWAY LEVEL OF SERVICE (LOS) INFORMATION**

Williams Road was not included in the Hillsborough County Level of Service Report. As such, information for the facility cannot be provided.

Transportation Comment Sheet

**3.0 TRANSPORTATION SUMMARY (FULL TRANSPORTATION REPORT IN SECTION 9 OF STAFF REPORT)**

Adjoining Roadways (check if applicable)			
Road Name	Classification	Current Conditions	Select Future Improvements
Williams Road	County Local - Urban	2 Lanes <input checked="" type="checkbox"/> Substandard Road <input type="checkbox"/> Sufficient ROW Width	<input type="checkbox"/> Corridor Preservation Plan <input type="checkbox"/> Site Access Improvements <input checked="" type="checkbox"/> Substandard Road Improvements <input type="checkbox"/> Other

Project Trip Generation <input type="checkbox"/> Not applicable for this request			
	Average Annual Daily Trips	A.M. Peak Hour Trips	P.M. Peak Hour Trips
Existing	213	39	32
Proposed	213	39	32
Difference (+/-)	+0	+0	+0

\*Trips reported are based on net new external trips unless otherwise noted.

Connectivity and Cross Access <input type="checkbox"/> Not applicable for this request				
Project Boundary	Primary Access	Additional Connectivity/Access	Cross Access	Finding
North		None	None	Meets LDC
South	X	None	None	Meets LDC
East		None	None	Meets LDC
West		None	None	Meets LDC
Notes:				

Design Exception/Administrative Variance <input type="checkbox"/> Not applicable for this request		
Road Name/Nature of Request	Type	Finding
Williams Road/ Substandard Road	Design Exception Requested	Approvable
	Choose an item.	Choose an item.
Notes:		

4.0 Additional Site Information & Agency Comments Summary			
Transportation	Objections	Conditions Requested	Additional Information/Comments
<input checked="" type="checkbox"/> Design Exception/Adm. Variance Requested <input type="checkbox"/> Off-Site Improvements Provided	<input type="checkbox"/> Yes <input type="checkbox"/> N/A <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	See Staff Report.

**From:** [Williams, Michael](#)  
**To:** [Micahel Yates \(myates@palmtraffic.com\)](#); [Vicki Castro](#)  
**Cc:** [Jaime Maier](#); [Kami Corbett](#); [Lampkin, Timothy](#); [Steady, Alexander](#); [Tirado, Sheida](#); [De Leon, Eleonor](#); [PW-CEIntake](#)  
**Subject:** FW: RE SU GEN 23-0955 - Design exception Review  
**Date:** Wednesday, March 13, 2024 10:28:24 AM  
**Attachments:** [image002.png](#)  
[image001.png](#)  
[23-0955 DEAdd 03-12-24.pdf](#)  
**Importance:** High

---

Vicki/Michael,

I have found the attached Design Exception (DE) for PD 23-0955 APPROVABLE.

Please note that it is you (or your client's) responsibility to follow-up with my administrative assistant, Eleonor De Leon ([DeLeonE@hcfl.gov](mailto:DeLeonE@hcfl.gov) or 813-307-1707) after the BOCC approves the PD zoning or PD zoning modification related to below request. This is to obtain a signed copy of the DE/AV.

If the BOCC denies the PD zoning or PD zoning modification request, staff will request that you withdraw the AV/DE. In such instance, notwithstanding the above finding of approvability, if you fail to withdraw the request, I will deny the AV/DE (since the finding was predicated on a specific development program and site configuration which was not approved).

Once I have signed the document, it is your responsibility to submit the signed AV/DE(s) together with your initial plat/site/construction plan submittal. If the project is already in preliminary review, then you must submit the signed document before the review will be allowed to progress. Staff will require resubmittal of all plat/site/construction plan submittals that do not include the appropriate signed AV/DE documentation.

Lastly, please note that it is critical to ensure you copy all related correspondence to [PW-CEIntake@hcfl.gov](mailto:PW-CEIntake@hcfl.gov)

Mike

**Michael J. Williams, P.E.**  
**Director, Development Review**  
**County Engineer**  
Development Services Department

---

P: (813) 307-1851  
M: (813) 614-2190  
E: [Williamsm@HCFL.gov](mailto:Williamsm@HCFL.gov)  
W: HCFLGov.net

**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

Please note: All correspondence to or from this office is subject to Florida's Public Records law.

---

**From:** Tirado, Sheida <TiradoS@hcfl.gov>  
**Sent:** Tuesday, March 12, 2024 6:31 PM  
**To:** Williams, Michael <WilliamsM@hcfl.gov>  
**Cc:** Steady, Alexander <SteadyAl@hcfl.gov>; De Leon, Eleonor <DeLeonE@hcfl.gov>  
**Subject:** RE: RE SU GEN 23-0955 - Design exception Review  
**Importance:** High

Hello Mike,

The attached DE is approvable to me, please include the following people in your response:

[myates@palmtraffic.com](mailto:myates@palmtraffic.com)  
[vcastro@palmtraffic.com](mailto:vcastro@palmtraffic.com)  
[jaime.maier@hwhlaw.com](mailto:jaime.maier@hwhlaw.com)  
[kami.corbett@hwhlaw.com](mailto:kami.corbett@hwhlaw.com)  
[lampkint@hcfl.gov](mailto:lampkint@hcfl.gov)  
[steadyal@hcfl.gov](mailto:steadyal@hcfl.gov)

Best Regards,

**Sheida L. Tirado, PE**  
**Transportation Review Manager**  
Development Services Department

---

P: (813) 276-8364  
E: [tirados@hcfl.gov](mailto:tirados@hcfl.gov)  
W: [HCFLGov.net](http://HCFLGov.net)

**Hillsborough County**  
601 E. Kennedy Blvd., Tampa, FL 33602

-  
Please note: All correspondence to or from this office is subject to Florida's Public Records law.



**Hillsborough  
County Florida**  
Development Services

# Supplemental Information for Transportation Related Administrative Reviews

**Instructions:**

- This form must be provided separately for each request submitted (including different requests of the same type).
- This form must accompany all requests for applications types shown below. Staff will not log in or assign cases that are not accompanied by this form, or where the form is partially incomplete.
- A response is required in every field. Blank fields or non-responsive answers will result in your application being returned.
- All responses must be typed.
- Please contact Ingrid Padron at [padroni@hcpaf.fl.gov](mailto:padroni@hcpaf.fl.gov) or via telephone at (813) 307-1709 if you have questions about how to complete this form.

<b>Request Type</b> (check one)	<input type="checkbox"/> Section 6.04.02.B. Administrative Variance <input checked="" type="checkbox"/> Technical Manual Design Exception Request <input type="checkbox"/> Alternative Parking Plan Request (Reference LDC Sec. 6.05.02.G3.) <input type="checkbox"/> Request for Determination of Required Parking for Unlisted Uses (Reference LDC Sec. 6.05.02.G.1. and G.2.)
<b>Submittal Type</b> (check one)	<input type="checkbox"/> New Request <input checked="" type="checkbox"/> Revised Request <input type="checkbox"/> Additional Information
<b>Submittal Number and Description/Running History</b> (check one and complete text box using instructions provided below)	<input type="checkbox"/> 1. DE-Substandard Rd Williams Rd <input type="checkbox"/> 4. <input checked="" type="checkbox"/> 2. Revised Appendix of DE <input type="checkbox"/> 5. <input type="checkbox"/> 3. <input type="checkbox"/> 6.
<p><b>Important:</b> To help staff differentiate multiple requests (whether of the same or different type), please use the above fields to assign a unique submittal number/name to each separate request. Previous submittals relating to the same project/phase shall be listed using the name and number previously identified. It is critical that the applicant reference this unique name in the request letter and subsequent filings/correspondence. If the applicant is revising or submitting additional information related to a previously submitted request, then the applicant would check the number of the previous submittal.</p>	
<b>Project Name/ Phase</b>	George Conigilo Landfill
<p><b>Important:</b> The name selected must be used on all future communications and submittals of additional/revised information relating to this variance. If request is specific to a discrete phase, please also list that phase.</p>	
<b>Folio Number(s)</b>	060048.0000, 060140.0050, 060141.0000, and 060006.0000
	<input type="checkbox"/> Check This Box If There Are More Than Five Folio Numbers
<p><b>Important:</b> List all folios related to the project, up to a maximum of five. If there are additional folios, check the box to indicate such. Folio numbers must be provided in the format provided by the Hillsborough County Property Appraiser's website (i.e. 6 numbers, followed by a hyphen, followed by 4 additional numbers, e.g. "012345-6789"). Multiple records should be separated by a semicolon and a space e.g. "012345-6789; 054321-9876").</p>	
<b>Name of Person Submitting Request</b>	Vicki Castro, P.E.
<p><b>Important:</b> For Design Exception (DE) Requests, the person submitting must be a Professional Engineer (PE) licensed within the state of Florida. The DE request letter must be signed and sealed.</p>	
<b>Current Property Zoning Designation</b>	
<p><b>Important:</b> For Example, type "Residential Multi-Family Conventional – 9" or "RMC-9". This is not the same as the property's Future Land Use (FLU) Designation. Typing "N/A" or "Unknown" will result in your application being returned. This information may be obtained via the Official Hillsborough County Zoning Atlas, which is available at <a href="https://maps.hillsboroughcounty.org/maphillsborough/maphillsborough.html">https://maps.hillsboroughcounty.org/maphillsborough/maphillsborough.html</a>. For additional assistance, please contact the <a href="#">Zoning Counselors</a> at the Center for Development Services at (813) 272-5600 Option 3.</p>	
<b>Pending Zoning Application Number</b>	SU-NC 23-0955
<p><b>Important:</b> If a rezoning application is pending, enter the application number preceded by the case type prefix, otherwise type "N/A" or "Not Applicable". Use PD for PD rezoning applications, MM for major modifications, PRS for minor modifications/personal appearances.</p>	
<b>Related Project Identification Number (Site/Subdivision Application Number)</b>	N/A
<p><b>Important:</b> This 4-digit code is assigned by the Center for Development Services Intake Team for all Certified Parcel, Site Construction, Subdivision Construction, and Preliminary/Final Plat applications. If no project number exists, please type "N/A" or "Not Applicable".</p>	



January 05, 2024  
Revised March 12, 2024

Mr. Michael Williams, P.E.  
Hillsborough County  
Development Services Department  
Development Review Director  
County Engineer  
601 East Kennedy Boulevard, 20<sup>th</sup> Floor  
Tampa, Florida 33602

RE: George Coniglio Landfill (SU-NC 23-0955)  
Folios: 060048.0000, 060140.0050, 060141.0000, and 060006.0000  
Design Exception – Williams Road  
Palm Traffic Project No. T24001

Dear Mr. Williams:

The purpose of this letter is to provide justification for the design exception per Transportation Technical Manual (TTM) 1.7 to meet the requirements of the Hillsborough County Land Development Code (LDC) Section 6.04.03.L (existing facility). The zoning request is a special use to allow for the expansion of the NCU (89-0037) to match the FDEP permit boundary on the existing property occupied by the George Coniglio Landfill. The project is located at the end of Williams Road and north of Fowler Avenue, as shown in Figure 1. This request is made based on our virtual meetings on December 14, 2023 and January 04, 2024, with Hillsborough County staff.

The project proposes to have the following access:

- One (1) existing connection to Williams Road at the current terminus.

Williams Road is identified in the Hillsborough County Comprehensive Plan as a local roadway and during our meeting was identified as a substandard road. Williams Road has a posted speed limit of 25 mph with 9 to 10-foot travel lanes, unpaved shoulders, and an approximate 4-foot sidewalk on the west side of the roadway within approximately 50 feet of right of way. There is no sidewalk on the east side of the roadway, except along the frontage of the closed commercial parcel at the intersection of Williams Road and Fowler Avenue. No bike lanes currently exist on either side of Williams Road.

This request is a design exception to the Hillsborough County Transportation Technical Manual for Williams Road from Fowler Avenue to the project entrance, approximately 1,300 feet. The requested exceptions to the TS-3 typical section and the justification are as follows:

1. The existing ROW along Williams Road is approximately 50 feet. The typical TS-3 section for an urban, two-lane undivided local roadway (non-residential) requires a minimum of 54 feet of ROW with 12-foot lanes, Miami curb, and a 5-foot sidewalk on both sides of the roadway.
2. The request is to provide the 12-foot travel lanes, F-type curb in lieu of the Miami curb, and approximately 1,300 feet of 5-foot sidewalk along the west side of Williams Road. No additional sidewalk will be provided along the east side of Williams Road.

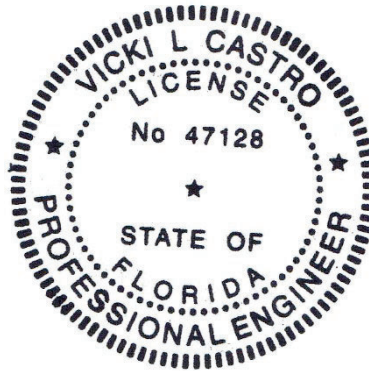
The proposed typical section is shown in Figure 2.

Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,

**Vicki L  
Castro**

Digitally signed  
by Vicki L Castro  
Date: 2024.03.12  
14:14:00 -04'00'



This item has been digitally signed and sealed by Vicki L Castro on the date adjacent to the seal.  
  
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Vicki L Castro, P.E.  
Principal

Based on the information provided by the applicant, this request is:

\_\_\_\_\_ Disapproved \_\_\_\_\_ Approved with Conditions \_\_\_\_\_ Approved

If there are any further questions or you need clarification, please contact Sheida L. Tirado, P.E.

Sincerely,

Michael J. Williams  
Hillsborough County Engineer

**FIGURE 1. LOCATION MAP**

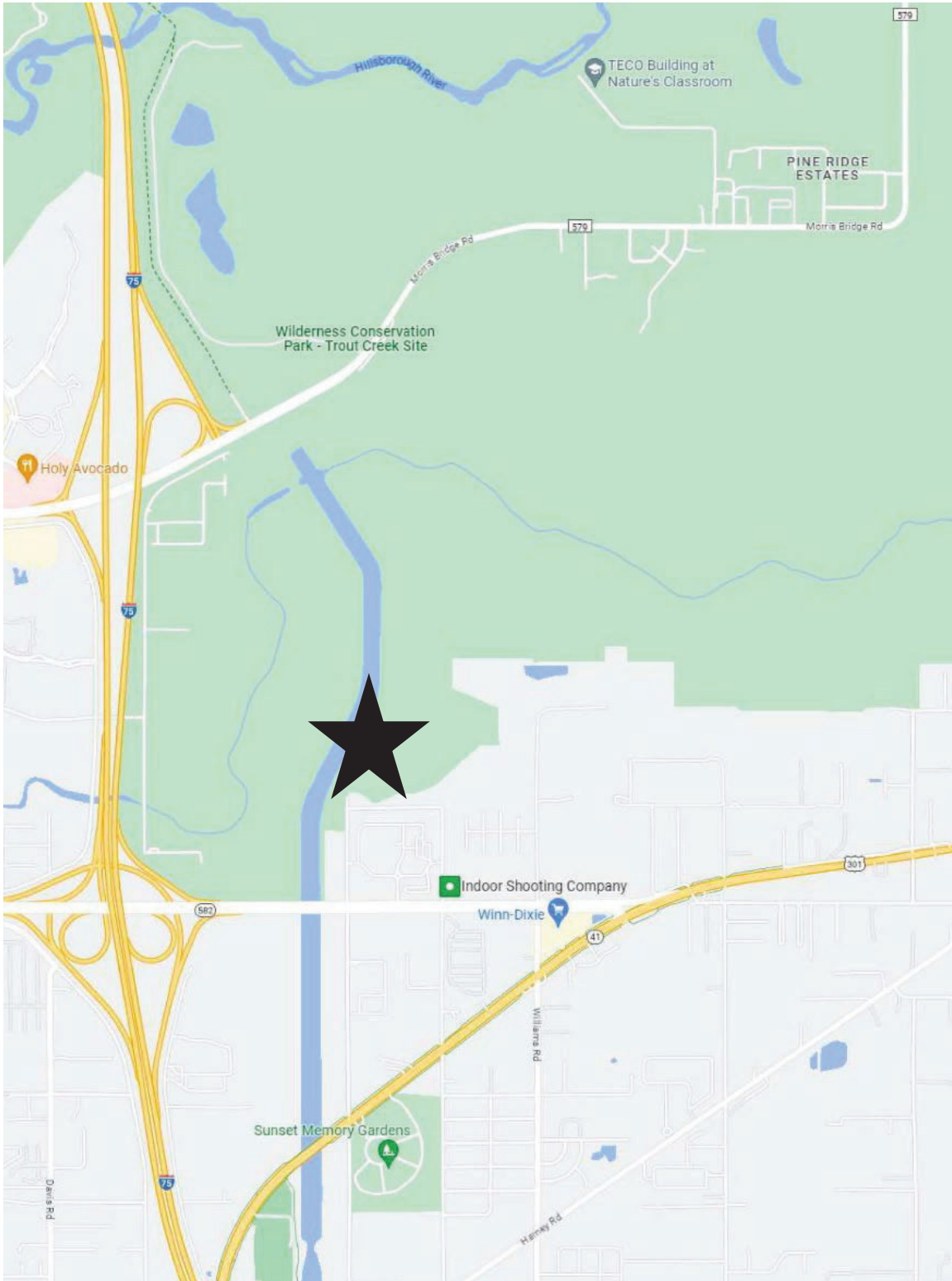
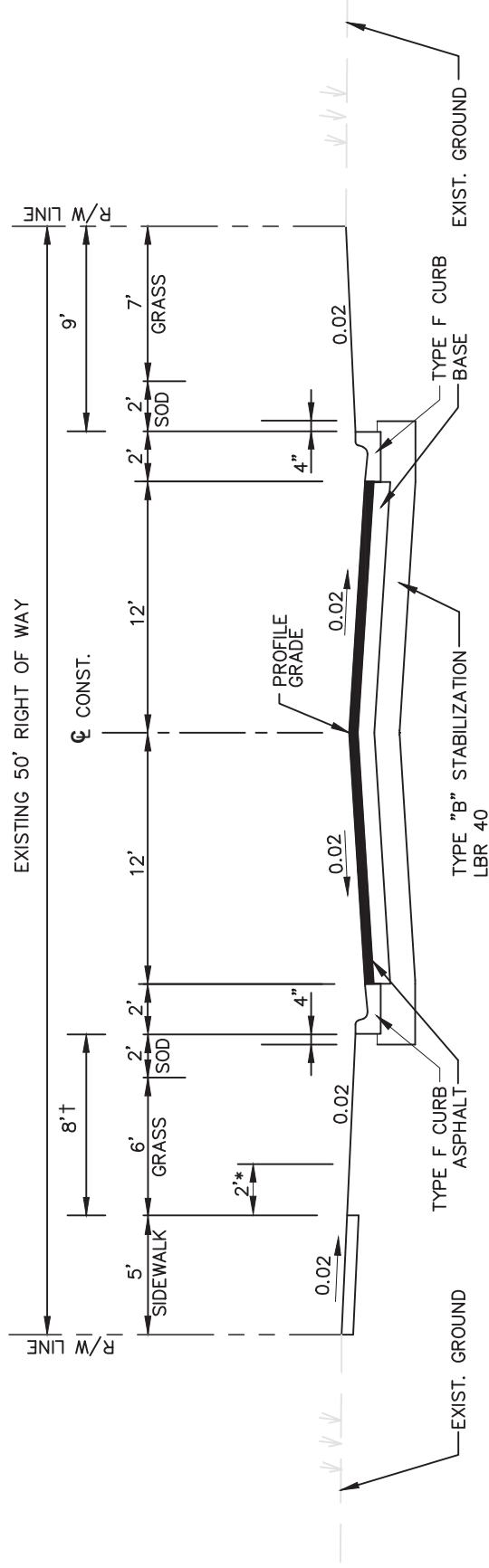




Figure 2: Proposed Typical Section



**TYPICAL SECTION**

N.T.S.

LESS THAN 5,000 AADT

MAX. ALLOWABLE DESIGN SPEED – 35 MPH

- \* 1. PROVIDE 2' MINIMUM CLEARANCE FROM FENCES, WALLS, HEDGES, ABOVEGROUND UTILITIES OR IMPROVEMENTS, DROP OFFS, OR FROM THE TOPS OF BANKS WITH SLOPES STEEPER THAN 1 TO 4, THAT INTERFERE WITH THE SAFE, FUNCTIONAL USE OF THE SIDEWALK. INTERMITTENT ABOVEGROUND UTILITIES, OR MATURE TREES, 2' OR LESS IN DIAMETER MAY BE PLACED IN THIS 2' STRIP AS FAR FROM THE SIDEWALK AS POSSIBLE, IF NOT IN THE CLEAR ZONE.
- † 2. SEE SIDEWALK PROTECTION OPTIONS, DRAWING NO. TD-16 SHEET 7 OF 7 FOR USE WHEN TREES ARE PLANTED IN THE PARKWAY AREA (BETWEEN THE BACK OF CURB AND SIDEWALK).
- 3. SOD SHALL BE PLACED IN TWO ROWS STAGGERED. (BOTH TEMPORARY AND PERMANENT)

DRAWING NO.	<b>WILLIAMS ROAD (2 LANE UNDIVIDED) TYPICAL SECTION</b>
SHEET NO. 1 OF 1	
DATE: 12/26/2023	







## Florida Department of Transportation

RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY

October 31<sup>st</sup>, 2023

### Intersection Improvements E Fowler Ave & Williams Rd Pre App Meeting

SR 582

10 290 000

MP 7.581

Class 3 @ 55 MPH

Connection/signal spacing – 440'/2640'

Directional/full median opening spacing – 1320'/2640'

Folio #

RE: Pre-Application Meeting

#### THIS DOCUMENT IS NOT A PERMIT APPROVAL

THE COMMENTS AND FINDINGS FROM THIS PRE-APPLICATION MEETING MAY BE SUBJECT TO CHANGE AND  
MAY NOT BE USED AS A BASIS OF APPROVAL AFTER 5/1/2024

#### Attendees:

**Guests:** Sam Aref, Jamal Nagamia, Said Iravani, Felix Morales, Daniel Morales, Richard Perez, James Ratliff

**FDOT:** Mecale' Roth, Nancy Porter, Genesis Zambrano, Selena Gonzalez, Tom Allen, Leanna Schail, David Ayala, Peter Maass, Caroline Cation-Smith, Luis Mejia, Lindsey Mineer, Dan Santos, and Ahmad Chehab

#### Proposed Conditions:

The applicant proposes to reconstruct the entire 1300' length of Williams Road within existing Hillsborough County R/W from north of Fowler Avenue to the property line to service a proposed recycling facility within the existing landfill at the end of Williams Road. Proposed improvements on Fowler Avenue include deceleration and acceleration lanes.

SR 582 is a **class 3** roadway with a posted speed limit of **55 MPH**. Florida Administrative Code, Rule Chapter 14-97, requires **440'** driveway spacing, **1320'** directional, **2640'** full median opening spacing, and **2640'** signal spacing requirements.



## Florida Department of Transportation

RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY

### FDOT Recommendations:

1. This section of Fowler Avenue is a Class 3, 55 MPH section.
2. There have been an unusually high number of vehicular crashes at the intersection of Fowler Avenue and Williams Road.
3. The proposed recycling facility may create additional traffic at the intersection necessitating improvements to the existing intersection. Please provide a permit narrative and/or traffic study clarifying the existing and proposed trips at the Williams Road intersection resulting from the construction of the recycling center and improvements to the site.
4. Any required improvements to Fowler Avenue, including the proposed construction of an eastbound right turn lane are required to meet the criteria outlined in the FDOT Design Manual and will be determined based on a review of the submitted traffic impact analysis and/or concurrency report.
5. The existing eastbound to northbound left turn lane is required to be extended to a minimum of 290 feet with a minimum 50-foot queue. Any additional queue storage requirements will be based on a review of the submitted traffic information. Requirements for roadway improvements are to meet the criteria per FDOT Design Manual for Design Speed of 50 MPH.
6. Please provide an Auto Turn exhibit including the inbound and outbound movements at the intersection to demonstrate there is no off-tracking or adverse impacts to the intersection of Williams Road and Fowler Avenue in the proposed conditions.
7. A letter of authorization from the County for the proposed improvements will be required as this is a proposed modification of the County access connection to FDOT.
8. Local Government approval is required prior to issuance of FDOT approval.
9. Access permit will be required.
10. Construction Agreement will be required for all work within the FDOT R/W, including cost estimate with bond for work within FDOT R/W.
11. Drainage permit will be required.
  - a. Right-in and Left-in turn lanes from Fowler Avenue will require modification to FDOT's SWFWMD permit.
  - b. Please revise the SWFWMD permit, accounting for the additional impervious.
    - i. Demonstrate the FDOT ditches can handle the additional impervious.
12. Please identify existing utilities on the plans.
13. Please note there is an existing FDOT Project in design for this section of SR 582. Please reach out to the FDOT Project Manager directly to obtain the most recent information on this project.



## Florida Department of Transportation

RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY

- a. FPID 441660-1 Jake Hemmingway, [Jake.Hemmingway@dot.state.fl.us](mailto:Jake.Hemmingway@dot.state.fl.us), 813-282-2300
- 14. If a utility permit is needed, please refer to the Utility Accommodation Manual (UAM) or contact Genesis Zambrano at [Genesis.zambrano@dot.state.fl.us](mailto:Genesis.zambrano@dot.state.fl.us) or 813-612-3200.
- 15. Contact Leanna Schail or Tammer Al-Turk for any traffic or access related questions at [leanna.schail@dot.state.fl.us](mailto:leanna.schail@dot.state.fl.us), [tammer.alturk@dot.state.fl.us](mailto:tammer.alturk@dot.state.fl.us), or at 813-975-6000.
- 16. Contact Nancy Porter or Mecale' (makayla) Roth for permit, pre app, or general questions at [nancy.porter@dot.state.fl.us](mailto:nancy.porter@dot.state.fl.us), [mecale.roth@dot.state.fl.us](mailto:mecale.roth@dot.state.fl.us), or 813-612-3200.

### Summary:

After reviewing and discussing the information presented in this meeting, the Department has determined we are

- in favor (considering the conditions stated above)
- not in favor
- willing to revisit a revised plan

The access, as proposed in this meeting, would be considered

- conforming
- non-conforming
- N/A (no access proposed)

in accordance with the rule chapters 1996/97 for connection spacing. The following state permits will need to be applied for by visiting our One Stop Permitting website ([osp.fdot.gov](http://osp.fdot.gov)):

- access-category A or B
- access-category C, D, E, or F
  - traffic study required
- access safety upgrade
- drainage
  - or
  - drainage exception
  - construction agreement
  - utility
  - general Use
  - other \_\_\_\_\_



***Florida Department of Transportation***

RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY

Thank you for allowing us the opportunity to review and discuss this project in advance. Please feel free to contact me with any questions. We look forward to working with you again.

Respectfully,

*Nancy Porter*

Permit Coordinator II  
2822 Leslie Rd.  
Tampa, Fl. 33619  
Office - 813-612-3205  
M-F 7:30 AM – 4:00 PM





## Florida Department of Transportation


RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY

### Additional Comments/Standard Information:

(These comments may or may not apply to this project, they are standard comments)

1. Document titles need to reflect what the document is before it is uploaded into OSP, and please do not upload unnecessary documents.
2. Documents need to be signed and sealed or notarized.
3. Include these notes with the application submittal.
4. Permits that fall within the limit of a FDOT project must contact project manager, provide a work schedule, and coordinate construction activities prior to permit approval. Ask Mecale' for information if not provided in the notes.
5. Plans shall be per the current Standard Plans and FDM.
6. All the following project identification information must be on the Cover Sheet of the plans:
  - a. all associated FDOT permit #'s
  - b. state road # (& local road name) and road section ID #
  - c. mile post # and left (Lt) or right (Rt) side of the roadway (when facing north or east)
  - d. roadway classification # and posted speed limit (MPH)
7. All typical driveway details are to be placed properly:
  - a. 24" thermoplastic white stop bar equal to the lane width placed 4' behind crosswalk or a minimum of 25' in front of it
  - b. 36" stop sign mounted on a 3" round post, aligned with the stop bar
  - c. if applicable, a "right turn only" sign mounted below the stop sign (FTP-55R-06 or FTP-52-06)
  - d. double yellow 6" lane separation lines
  - e. 6' wide, high emphasis, ladder style crosswalk straddling the detectable warning mats
  - f. warning mats to be red in color unless specified otherwise
  - g. directional arrow(s) 25' behind the stop bar
  - h. all markings on concrete are to be high contrast with black border (white
  - i. all striping within and approaching FDOT ROW shall be thermoplastic
8. Maintain 20' x 20' pedestrian sight triangles and draw the triangles on the plans to show there are no obstructions taller than 24" within the triangles. Also, no parking spaces can be in these triangles Measure 20' up the sidewalk and 20' up the driveway from the point at which the sidewalk meets the driveway. Here is an example of what these triangles look like and how they are positioned.



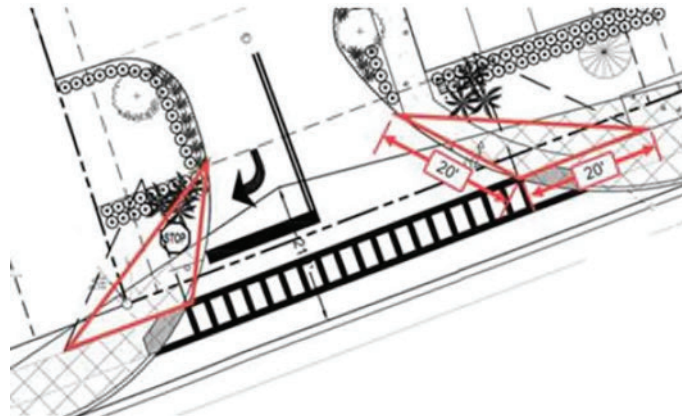


## Florida Department of Transportation

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GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY



9. Any relocation of utilities, utility poles, signs, or other agency owned objects must be coordinated with the Department and the **existing and proposed location** must be clearly labeled on the plans. Contact the Permits Department for more details and contact information.
10. Make note on plans that it is the responsibility of the contractor to not only restore the ROW, but they are also responsible for maintaining the ROW for the duration of the project.

### Context Classification:

Here is the link to find information about context classification to see what class standards the proposed project needs to be built to. Below is the standard table for sidewalk width for each class:

<https://kai.maps.arcgis.com/apps/webappviewer/index.html?id=b5ecc163fe04491dafeb44194851ba93>



# Florida Department of Transportation

RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY

Topic #625-000-002  
FDOT Design Manual

January 1, 2020

**Table 222.1.1 Standard Sidewalk Widths**

Context Classification	Sidewalk Width (feet)
C1 Natural	5
C2 Rural	5
C2T Rural Town	6
C3 Suburban	6
C4 Urban General	6
C5 Urban Center	10
C6 Urban Core	12

Notes:

- (1) For C2T, C3 and C4, sidewalk width may be increased up to 8 feet when the demand is demonstrated.
- (2) For C5 and C6, when standard sidewalk width cannot be attained, provide the greatest attainable width possible, but not less than 6 feet.
- (3) For RRR projects, unaltered sidewalk with width 4 feet or greater may be retained within any context classification.
- (4) See **FDM 260.2.2** for sidewalk width requirements on bridges.

Provide the following minimum unobstructed sidewalk width (excluding the width of the curb) when there is no practical alternative to placing a pole within the sidewalk:

- 36 inches for aboveground utilities. This 36 inch width may be reduced to 32 inches, not exceeding 24 inches in length, when there is no practical alternative available to avoid an obstruction.
- 48 inches for signal, light, sign poles

When used for plantings and street furniture, the area between the back of curb and the sidewalk should be 5 feet or greater in width. Consider providing treewells in areas where on-street parking is provided.

## Lighting:

Lighting of sidewalks and/or shared paths must be to current standards (FDM section 231). Newly implemented FDOT Context classifications updated the required sidewalk widths (FDM section 222.2.1.1). Where sidewalk is being added and/or widened, the lighting will be analyzed to ensure sidewalks are properly lit per FDOT FDM standards. Reference the following link and table for details:

[https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf\\_2](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/roadway/fdm/2020/2020fdm231lighting.pdf?sfvrsn=2ad35fbf_2)



**Florida Department of Transportation**

RON DESANTIS  
GOVERNOR

2822 Leslie Road  
Tampa, FL 33612-6456

JARED W. PERDUE, P.E.  
SECRETARY

Topic #625-000-002  
FDOT Design Manual

January 1, 2020

**Table 231.2.1 Lighting Initial Values**

Roadway Classification Or Project Type	Illumination Level Average Foot Candle		Illumination Uniformity Ratios		Veiling Luminance Ratio
	Horizontal (H.F.C.)	Vertical (V.F.C.)	Avg./Min.	Max./Min.	$L_{V(MAX)}/L_{AVG}$
<b>Conventional Lighting</b>					
Limited Access Facilities	1.5	N/A	4:1 or Less	10:1 or Less	0.3:1 or Less
Major Arterials	1.5				
Other Roadways	1.0				
<b>High Mast Lighting</b>					
All Roadway Classifications	0.8 to 1.0	N/A	3:1 or Less	10:1 or Less	N/A
<b>Signalized Intersection Lighting</b>					
New Reconstruction	3.0	2.3	4:1 or Less	10:1 or Less	N/A
Lighting Retrofit	1.5 Std. 1.0 Min.	1.5 Std. 1.0 Min.			
<b>Midblock Crosswalk Lighting</b>					
Low Ambient Luminance	N/A	2.3	N/A	N/A	N/A
Medium & High Ambient Luminance		3.0			
<b>Sidewalks and Shared Use Paths</b>					
Facilities Separated from the Roadway	2.5	N/A	4:1 or Less	10:1 or Less	N/A
<b>Sign Lighting</b>					
Low Ambient Luminance	15-20	N/A	N/A	6:1	N/A
Medium & High Ambient Luminance	25-35				
<b>Rest Area Lighting</b>					
All Roadways and Parking Areas	1.5	N/A	4:1 or Less	10:1 or Less	N/A

231-Lighting

**COMMISSION**

Joshua Wostal CHAIR  
 Harry Cohen VICE-CHAIR  
 Donna Cameron Cepeda  
 Ken Hagan  
 Pat Kemp  
 Gwendolyn "Gwen" W. Myers  
 Michael Owen



**DIRECTORS**

Janet D. Lorton EXECUTIVE DIRECTOR  
 Elaine S. DeLeeuw ADMIN DIVISION  
 Sam Elrabi, P.E. WATER DIVISION  
 Diana M. Lee, P.E. AIR DIVISION  
 Michael Lynch WETLANDS DIVISION  
 Rick Muratti, Esq. LEGAL DEPT  
 Steffanie L. Wickham WASTE DIVISION

**AGENCY COMMENT SHEET**

REZONING	
<b>HEARING DATE:</b> December 18, 2023  <b>PETITION NO.:</b> SU-GEN 23-0955  <b>EPC REVIEWER:</b> Abbie Weeks  <b>CONTACT INFORMATION:</b> (813) 627-2600 X 1101  <b>EMAIL:</b> <a href="mailto:weeks@epchc.org">weeks@epchc.org</a>	<b>COMMENT DATE:</b> October 4, 2023  <b>PROPERTY ADDRESS:</b> 11922 Williams Rd, Thonotosassa  <b>FOLIO #:</b> 0600060000, 0601400050, 0600480000, 0601410000  <b>STR:</b> 08-28S-20E
<b>REQUESTED ZONING:</b> Special Use - General	
FINDINGS	
<b>WETLANDS PRESENT</b>	YES
<b>SITE INSPECTION DATE</b>	n/a
<b>WETLAND LINE VALIDITY</b>	n/a
<b>WETLANDS VERIFICATION (AERIAL PHOTO, SOILS SURVEY, EPC FILES)</b>	Ditches exist around the perimeter of the property and are approximately depicted on the site plan.
<p><b>The EPC Wetlands Division has reviewed the proposed rezoning. In the site plan's current configuration, a resubmittal is not necessary. If the zoning proposal changes and/or the site plans are altered, EPC staff will need to review the zoning again. This project as submitted is conceptually justified to move forward through the zoning review process as long as the following conditions are included:</b></p> <ul style="list-style-type: none"> <li>Approval of this zoning petition by Hillsborough County does not constitute a guarantee that the Environmental Protection Commission of Hillsborough County (EPC) approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impact to wetlands, and does not grant any implied or vested right to environmental approvals.</li> <li>The construction and location of any proposed wetland impacts are not approved by this correspondence but shall be reviewed by EPC staff under separate application pursuant to the EPC Wetlands rule detailed in Chapter 1-11, Rules of the EPC, (Chapter 1-11) to determine whether such impacts are necessary to accomplish reasonable use of the subject property.</li> <li>Prior to the issuance of any building or land alteration permits or other development, the approved wetland / other surface water (OSW) line must be incorporated into the site plan. The wetland/</li> </ul>	

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OSW line must appear on all site plans, labeled as "EPC Wetland Line", and the wetland must be labeled as "Wetland Conservation Area" pursuant to the Hillsborough County Land Development Code (LDC).

- Final design of buildings, stormwater retention areas, and ingress/egresses are subject to change pending formal agency jurisdictional determinations of wetland and other surface water boundaries and approval by the appropriate regulatory agencies.

**INFORMATIONAL COMMENTS:**

The following specific comments are made for informational purposes only and to provide guidance as to the EPC review process. However, future EPC staff review is not limited to the following, regardless of the obviousness of the concern as raised by the general site plan and EPC staff may identify other legitimate concerns at any time prior to final project approval.

- The EPC Waste Division has provided the following informational comment: The applicant/facility operator must ensure that any changes made with regard to the C&DD facility's footprint be approved by the FDEP through the FDEP's permit modification process.
- The subject property contains wetland/OSW areas, which have not been delineated. Knowledge of the actual extent of the wetland and OSW are necessary in order to verify the avoidance of wetland impacts pursuant to Chapter 1-11. Prior to the issuance of any building or land alteration permits or other development, the wetlands/OSWs must be field delineated in their entirety by EPC staff or Southwest Florida Water Management District staff (SWFWMD) and the wetland line surveyed. Once delineated, surveys must be submitted for review and formal approval by EPC staff.
- Chapter 1-11 prohibits wetland impacts unless they are necessary for reasonable use of the property. Staff of the EPC recommends that this requirement be taken into account during the earliest stages of site design so that wetland impacts are avoided or minimized to the greatest extent possible. The size, location, and configuration of the wetlands may result in requirements to reduce or reconfigure the improvements depicted on the plan.
- The Hillsborough County Land Development Code (LDC) defines wetlands and other surface waters as Environmentally Sensitive Areas. Pursuant to the LDC, wetlands and other surface waters are further defined as Conservation Areas or Preservation Areas and these areas must be designated as such on all development plans and plats. A minimum setback must be maintained around the Conservation/Preservation Area and the setback line must also be shown on all future plan submittals.
- Any activity interfering with the integrity of wetland(s) or other surface water(s), such as clearing, excavating, draining or filling, without written authorization from the Executive Director of the EPC or authorized agent, pursuant to Section 1-11.07, would be a violation of Section 17 of the Environmental Protection Act of Hillsborough County, Chapter 84-446, and of Chapter 1-11.

aow/

ec: [kami.corbett@hwhlaw.com](mailto:kami.corbett@hwhlaw.com)



## Agency Review Comment Sheet

**NOTE:** Wellhead Resource Protection Areas (WRPA), Potable Water Wellfield Protection Areas (PWWPA), and Surface Water Resource Protection Areas (SWRPA) reviews are based on the most current available data on the Hillsborough County maps, as set forth in Part 3.05.00 of the Land Development Code.

**TO:** Zoning Review, Development Services      **REQUEST DATE:** 1/29/2024  
**REVIEWER:** Kim Cruz, Environmental Supervisor      **REVIEW DATE:** 2/9/2024  
**PROPERTY OWNER:** FCD Investment South, LLC      **PID:** 23-0955  
**APPLICANT:** FCD Investment South, LLC  
**LOCATION:** 11922 Williams Rd. Thonotosassa, FL 33592  
**FOLIO NO.:** 60006.0000, 60140.0050, 60048.0000, and 60141.0000

### AGENCY REVIEW COMMENTS:

This second agency review comment sheet is intended to clarify the prohibited use requirements of the subject site. The proposed changes to the landfill and existing portions of the landfill area are located within a Surface Water Resource Protection Area (SWRPA) based on the Hillsborough County SWRPA Map adopted in the Hillsborough County Comprehensive Plan. New and existing landfill activities within the SWRPA are a prohibited activity with specific requirements, as defined in Part 3.05.00 of the Hillsborough County Land Development Code (HCLDC). However, the County is in the process of updating and submitting a new map for adoption into the Comprehensive Plan. The proposed changes to the SWRPA map may exclude the proposed landfill area from the SWRPA.

Hillsborough County Environmental Services Division requests the following conditions be included in the Coniglio C&D Landfill Site Special Use - Expansion of Legal Nonconforming Use Permit:

1. Any portion of the landfill located within the surface water protection area illustrated on the SWRPA Map adopted into the Hillsborough County Comprehensive Plan (HCCP) shall not be used at this time. The County is in the process of updating and submitting a new map for adoption into the HCCP. The landfill areas that are currently within



SWPRA may be utilized after Hillsborough County has adopted the updated SWRPA *and* if the areas are determined to be outside of the updated SWPRA.

2. All solid waste environmental reports required to be submitted to the Florida Department of Environmental Protection (FDEP) shall be submitted to Hillsborough County BOCC Environmental Services Division (HCEVSD) staff.

Submitting FDEP monitoring reports to HCEVSD may cease after the new SWRPA map is adopted into HCCP *and* if the Hillsborough County approved landfill area is entirely located outside of the updated SWRPA.

AGENCY COMMENT SHEET

TO: **Zoning/Code Administration, Development Services Department**

FROM: **Reviewer:** Carla Shelton Knight **Date:** March 13, 2024

**Agency:** Natural Resources **Petition #:** 23-0955

- This agency has **no comment**
- This agency has **no objections**
- This agency has **no objections, subject to listed or attached conditions**
- This agency **objects, based on the listed or attached issues.**

1. Natural Resources staff identified a number of significant trees on the site including potential Grand Oaks. Every effort must be made to avoid the removal of and design the site around these trees. The site plan may be modified from the Certified Site Plan to avoid tree removal.
2. Wetlands or other surface waters are considered Environmentally Sensitive Areas and are subject to Conservation Area and Preservation Area setbacks. A minimum setback must be maintained around these areas which shall be designated on all future plan submittals. Only items explicitly stated in the condition of approval or items allowed per the LDC may be placed within the wetland setback. Proposed land alterations are restricted within the wetland setback areas.
3. Approval of this petition by Hillsborough County does not constitute a guarantee that Natural Resources approvals/permits necessary for the development as proposed will be issued, does not itself serve to justify any impacts to trees, natural plant communities or wildlife habitat, and does not grant any implied or vested right to environmental approvals.
4. The construction and location of any proposed environmental impacts are not approved by this correspondence, but shall be reviewed by Natural Resources staff through the site and subdivision development plan process pursuant to the Land Development Code.
5. If the notes and/or graphic on the site plan are in conflict with specific zoning conditions and/or the Land Development Code (LDC) regulations, the more



restrictive regulation shall apply, unless specifically conditioned otherwise. References to development standards of the LDC in the above stated conditions shall be interpreted as the regulations in effect at the time of preliminary site plan/plat approval.

**AGENCY REVIEW COMMENT SHEET**

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**TO: ZONING TECHNICIAN, Planning Growth Management**

**DATE: 13 Sep 2023**

**REVIEWER: Bernard W. Kaiser, Conservation and Environmental Lands Management**

**APPLICANT: Kami Corbett**

**PETITION NO: SU-GEN 23-0955**

**LOCATION: 11922 Williams Rd., Thonotosassa, FL 33592**

**FOLIO NO: 60048.0000, 60006.0000, 60140.0050, 60141.0000      SEC: 07    TWN: 28    RNG: 20**

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- This agency has no comments.
  
- This agency has no objection.
  
- This agency has no objection, subject to listed or attached conditions.
  
- This agency objects, based on the listed or attached conditions.

COMMENTS: \_\_\_\_\_.



# **VERBATIM TRANSCRIPT**



1 MS. HEINRICH: Our next application is Item E.1,  
2 special use 23-0955. The applicant is requesting a  
3 nonconforming special use permit for property currently zoned  
4 AR. Tim Lampkin will provide staff findings after the  
5 applicant's presentation. And a revised staff report has been  
6 entered into the record that you received at the beginning of  
7 the hearing.

8 HEARING OFFICER: I do have it. Yes, thank you.

9 MS. CORBETT: Good evening.

10 HEARING OFFICER: Good evening.

11 MS. CORBETT: Kami Corbett with the law firm of Hill,  
12 Ward and Henderson, 101 East Kennedy Boulevard, Suite 3700,  
13 Tampa, Florida.

14 We do have a brief presentation this evening. This  
15 subject site is located sort north of the Temple Terrace area  
16 north of Fowler Avenue. And you can see in the far out aerial  
17 it is surrounded largely by lands owned by the water management  
18 district. This is a site plan and we'll talk about that more in  
19 a bit. What we are asking for -- what we have here is an  
20 existing legal nonconforming use from 1989, this landfill was  
21 established sometime back in about the 1960s and became  
22 nonconforming in 1983. And then got the NCU approved in 1989.

23 So therefore it's not subject to the citing  
24 requirements that are in the Land Development Code now with  
25 respect to distance separation, buffering and screening. The

1 project area nonetheless is still located more than 200 feet  
2 from any adjacent residentially zoned property. And I have  
3 another exhibit, I'll talk about that a little later as well.

4           And then we also have a letter of support in the  
5 record that or are going to be placing in the record and there  
6 are people here from the adjacent house of worship who are in  
7 support of the application. And so this is probably the best  
8 exhibit to illustrate what we're doing here. We are asking for  
9 a one time expansion of this legally nonconforming use, which is  
10 allowed for up to 50 percent, but we are only asking for 23.69  
11 percent. And in reality, you see in staff's report we're  
12 actually reducing the overall acreage because in the gray, you  
13 see the areas that are now -- that are going to come out of the  
14 the -- the area for the landfill. And then areas red is the  
15 existing and then the blue is the new expansion area.

16           So -- but overall acreage we're actually reducing, but  
17 we are asking for the minimum necessary to essentially conform  
18 with the existing FDEP permit that is of file. The -- the  
19 original NCU boundary that was done was done back in 1989 is a  
20 hand drawn survey. This is based on current real data. And the  
21 FDEP has extensively vetted this permit and has issued the  
22 permit for the blue area. And this approval will allow us to  
23 accept C&D waste in the blue area going forward.

24           As far as buffering and screening, again, we're not  
25 subject to the current buffering and screening requirements. We

1 do have an extensive stormwater management system or ponds and  
2 ditches surrounding the entire area of in the project -- in the  
3 property boundary. But have also agreed to a new six condition  
4 for a six foot PVC fence and some screening where it directly  
5 abuts residential. In that snapshot in the corner there shows  
6 you the location of that where it's indicated on the site plan  
7 and it's where it's a buzz -- abutting residentially zoned  
8 property.

9           And this particular exhibit, and you can't really see  
10 it all the way through the captioning, but what you'll see in my  
11 representation, all of the blue dots represent property either  
12 owned by the former owner of the landfill or the current owner  
13 of the landfill. So even though we are less than 200 feet or  
14 two and 300 feet from those properties, they are owned and  
15 controlled by related parties. And then the green parcels are  
16 owned by the South Florida Water Management District. And  
17 there's the only the one parcel in the bottom left that is not  
18 owned or controlled, but that person has not issued any  
19 objection and does not have any objection to this expansion.

20           And so we are asking for a design exception. I'm  
21 going to have Michael Yates come up and speak to you about that.

22           HEARING OFFICER: Before you go -- before we move on  
23 to that, let me just not leave the DEP permit. I just have a  
24 quick question about that. When was that DEP permit originally  
25 issued? And -- and was it an error that it didn't match the

1 boundary of the landfill?

2 MS. CORBETT: Let me come back to that.

3 HEARING OFFICER: Okay.

4 MS. CORBETT: I'm going to have you do this first.

5 HEARING OFFICER: Okay. Perfect.

6 MR. YATES: Hi good evening. Michael Yates with Palm  
7 Traffic and I have been sworn, 4006 South MacDill Avenue.

8 We did -- if you can pull back up the slide. So we  
9 did do a design exception that the county engineer has found  
10 approvable. Basically, it is reconstructing Williams Road from  
11 Fowler Avenue back to the project entrance at the current  
12 terminus of Williams Road. And so it's basically improving it  
13 to be 12 foot travel lanes F type curb and then a five foot  
14 sidewalk along the west side of Williams Road.

15 Currently, there is pieces of probably four or five  
16 foot sidewalk throughout there, but there's missing pieces.  
17 This would provide a contiguous five foot sidewalk the entire  
18 way from the project entrance all the way to Fowler Avenue.

19 I'm happy to answer any questions, but I'll turn it  
20 back over --

21 HEARING OFFICER: No questions on that issue. Thank  
22 you.

23 MR. YATES: -- to Ms. Corbett to finish up.

24 HEARING OFFICER: Thanks. Don't forget to sign in.

25 MS. CORBETT: I wish that were a really



1 straightforward question that you asked me. There's a long  
2 history with the landfill. There have been in -- it's actually  
3 a zoning interpretation that was requested by the applicant a  
4 couple of years ago regarding confirming that the nonconforming  
5 use was continuous because there was a period of time from 2009  
6 to 2017, there were some noncompliance issues and they had to  
7 stop seeking waste.

8           And so the permit that's in place now is sort of the  
9 historical sort of dealing with all of the issues that happened  
10 between 1960 and to where we are now in 2017. So I don't think  
11 I would say it was an error, but it does align with sort of the  
12 limits of where everything is.

13           HEARING OFFICER: Is the excavation -- is the landfill  
14 activity happening in the blue areas?

15           MS. CORBETT: No.

16           HEARING OFFICER: It's not.

17           MS. CORBETT: We're not accepting -- we're not  
18 current -- we have not been accepting waste and we have not  
19 accepted waste in that area.

20           HEARING OFFICER: So it's not -- I -- I guess that  
21 goes to my question. So it wasn't really an error. This is  
22 just an expansion, a one time expansion to cover those --

23           MS. CORBETT: Right. The FDEP permitting is honestly  
24 I mean, with respect to the county and the zoning, the FEDP and  
25 their regulations are the much more strenuous regulations. So

1 really went through that process to make sure that what we were  
2 asking for the expansion for could be expan -- could be expanded  
3 pursuant to FTEP, because if FDEP doesn't bless it, it doesn't  
4 happen. So we really couldn't come for forward with the request  
5 for the expansion until FDEP signed off on the area that  
6 where -- where we were going to be expanding.

7 HEARING OFFICER: All right. I think that answers my  
8 question. Thank you.

9 MS. CORBETT: And obviously, we have staff  
10 recommendations from both Development Services and the Planning  
11 Commission. And we're here to answer a questions you might  
12 have. There is a revised staff report.

13 One thing that I going to be placing into the record  
14 is an email from Carla Shelton. She realized in her comments  
15 where she made a comment about there being a lot of grand trees  
16 on the site. She was actually looking at other properties in  
17 the area. She recognized in this email that there aren't  
18 actually grand trees within the footprint. We don't have any  
19 objection to the condition remaining because it doesn't apply to  
20 anything. But she confirms in this email for you that that --  
21 that -- that is not present on the site.

22 HEARING OFFICER: Okay. Does that conclude your  
23 presentation?

24 MS. CORBETT: It does.

25 HEARING OFFICER: All right. Thank you so much.

1 Development Services.

2 MR. LAMPKIN: Good evening. Michelle Heinrich,  
3 Development Services. And I can put the -- I'm going to put a  
4 little -- there we go.

5 All right. The applicant requested and adjustment to  
6 the boundaries of the established legal nonconforming use  
7 pursuant to Land Development Code 11.03.06.J to modify the NCU  
8 to match up the debris disposal boundaries of the FDEP permit.  
9 The NU -- I'm sorry, the NCU area per NCU 89-0037, is 52.13  
10 acres in size. The area provided in the FDEP permit is 50.3 --  
11 50.95 acres. This is approximately 12.35 acres where the FDEP  
12 permit allows disposal operations, which is not included in the  
13 NCU 89-0037 area.

14 Additionally, there are areas covered by the NCU  
15 89-0037 map, it's shown here on the slide. The -- they're not  
16 included in the FDEP permit. Based upon Florida statutory laws  
17 and administrative code governing the FDE permit, those areas of  
18 the NCU 89, which stands for obviously 1989-0037 that are  
19 outside the limits of the FDEP permit area cannot be used for  
20 disposal.

21 It's noted that the 12.35 acres previously not  
22 included in NC 89-0037 will now be included in the disposal  
23 operations if approved of the subject site, resulting in the  
24 total acreage of the subject site's disposal operations  
25 decreasing approximately 1.5 acres less than NCU 89-37, for a

1 total of 50.95 acres.

2           So I think as the applicant pointed out, so you can  
3 see this is the proposed new boundary. The existing boundary  
4 is in red, the area that's being removed is this gray area here  
5 and this gray area here. Expansion area is here and here.

6           The Land Development Code Section 11.03.06.J.1, any  
7 expansion, change or rebuilding of legal nonconforming use  
8 requires approval by the board of the county commissioners under  
9 a nonconforming special use permit. And these nonconformity  
10 expansions are permitted once and may not exceed 50 percent of  
11 the intensity.

12           The subject site is currently operating as a solid  
13 waste facility, class three landfill per NCU 89-0037, dated  
14 June 30, 1989. According to the 1989 zoning code, the subject  
15 property was zoned agricultural district. The landfill had been  
16 in operation in its current configuration since 1972 with land  
17 excavation activities dating back to 1960.

18           This is prior to the January 27, 1983 when the code  
19 was amended and they use became a conditional use. Per LDC  
20 Section 11.3.06.B, uses established legally at the time of  
21 development shall be deemed pre-existing and may be certified by  
22 the administrator and allowed to continue. Most of the  
23 criteria -- criteria that exists today, the distance, locational  
24 criteria were not in the original code. The instance that was  
25 in the code was a requirement and that it be on an arterial or

1 collector road and it's a local road, which would have made it  
2 nonconforming. Pursuant to the 9 -- 1989 zoning ordinance, they  
3 were not subject to the minimum 1,000 distances requirements  
4 from residential development or houses of worship. The 200-foot  
5 perimeter setback requirement was also not established.

6           Additionally, LDC Section 611.55.4 regarding areas of  
7 prohibition was modified after the establishment of the landfill  
8 and the NCU determination. And -- and I don't want to repeat.  
9 The current Land Development Code, Section 611.55.A land --  
10 locational criterial requires the minimum of 1,000 foot  
11 separation, which didn't -- wasn't required at the time. The  
12 applicant also requested, although they're acknowledging or that  
13 it's a nonconforming use. However, in the expansion area to the  
14 southwest, there are some homes, and I'm going to be really  
15 quick. I see my time is about, 18 seconds.

16           Per section -- requesting a variation per Section  
17 6.06.06 requires a 30 foot landscape buffer type C screening.  
18 And they're proposing instead put at six foot high PVC fence  
19 between the boundary of the folios comprising the subject site  
20 where it's adjacent to the single-family residential folio is  
21 located to the southwest of the property.

22           And based on the above, staff finds the request  
23 approvable. That concludes staff's presentation unless you have  
24 any questions.

25           HEARING OFFICER: No questions at this time. Thank

1 you so much. I appreciate it.

2 MR. LAMPKIN: Thank you.

3 HEARING OFFICER: Planning Commission.

4 MS. PAPANDREW: Andrea Papandrew, Planning Commission  
5 staff.

6 The site is in the residential-1, a natural  
7 preservation future land use categories and is within the  
8 Thonotosassa community plan in the rural area. The site is  
9 currently operating as a solid waste facility and is  
10 agricultural rural zoning. The area to the southwest and  
11 southeast has agricultural single family one zoning. The area  
12 is north, northeast, northwest, east and west agricultural rural  
13 zoning.

14 The proposed special use will not undermine the intent  
15 of the rural area policies of objective 4. The site is an  
16 existing class three landfill use in the rural area. It is  
17 recognized as a legal nonconforming use. And it's in proximate  
18 to nonresidential uses such as agriculture. The applicant  
19 request a 23.69 percent expansion under Land Development Code,  
20 which allows a one time expansion of a legal nonconforming use  
21 of the 50 percent of the use of existing square footage.

22 The proposed special use meets the intent of objective  
23 9 and policies 9.1 and 9.2. Policy 9.3 of the comprehensive  
24 plan recognizes the existence and continuation of legal  
25 nonconforming uses in the county so long as they do not increase

1 in intensity or negatively impact adjacent properties.

2           The request does expand the boundary of the  
3 nonperforming use within the property boundary. However, the  
4 landfill activity remains at a far distance from residential.  
5 The only area in question is to the southwest. And the  
6 applicant site plan shows a distance of 381 feet from the  
7 nearest residential lot boundary to the proposed landfill  
8 activity. There are stormwater ponds that surround the entire  
9 landfill activity area.

10           The site meets the intent of environmental goal five  
11 of Thonotosassa community plan that seeks to preserve the  
12 environmental integrity. There are no environmental areas on  
13 site, but there is wilderness conservation park to the north,  
14 but none of the activity proposed on the site conflicts with the  
15 viability of the park. The environmental services division  
16 issued a late -- letter dated February 9, 2024 requiring  
17 environmental reports to be submitted to the Florida Department  
18 of Environmental Protection for monitoring. The conservation  
19 environmental land management department had no objections on  
20 our staff's findings based on any information that we received  
21 or was submitted prior to our March 13th filing of our report.

22           Based upon the above considerations, Planning  
23 Commission Staff finds the proposed special use consistent with  
24 the Unincorporated Hillsborough County Comprehensive Plan,  
25 subject to the conditions proposed by the Development Services

1 Department.

2 HEARING OFFICER: Thank you so much. I appreciate it.  
3 Is there anyone in the room or online that would like to speak  
4 in support? Anyone in favor?

5 All right. Well, he's going forward. Is there anyone  
6 else that would like to speak in favor, either in the room or  
7 online?

8 MR. LAMPE: I do have a Kim Cruise online it looks  
9 like.

10 HEARING OFFICER: To speak in support?

11 MR. LAMPE: Yes.

12 HEARING OFFICER: Okay.

13 MS. HEINRICH: She's staff.

14 HEARING OFFICER: Oh.

15 MR. LAMPE: Oh.

16 HEARING OFFICER: Okay. All right.

17 Sir, come on forward. Give us your name and address.

18 MR. PATEL: Good evening. My name is Harish Patel,  
19 762 -- 7620 Paradise Pointe Circle South, Saint Petersburg,  
20 Florida 33711.

21 Good evening. Thank you very much for the  
22 opportunity. I represent the Temple. We have a supporting  
23 letter already from the board here. And I just am here on  
24 behalf of the management community and my fellow congregation  
25 members in favor of this project. We have had a very good



1 relationship with the owners, George, for the last, almost last  
2 two decades. They were extremely helpful, extremely  
3 accommodating in whatever requests were made. So we would like  
4 to -- to recommend in favor of this project.

5 HEARING OFFICER: Awesome. Thank you for coming down.  
6 I appreciate you participating. If you could please sign in.

7 All right. With that close of support, is there  
8 anyone in opposition to this request, either in the room or  
9 online? All right. I'm seeing no one.

10 Ms. Heinrich, I neglected to ask Mr. Lampkin and he  
11 come back up if we need to, but I just wanted to verify. I see  
12 that there's a PD variation and also a waiver request is a part  
13 of this. And I just wanted to succinctly confirm what that was.  
14 The PD variation, is that a reduction to -- and is that a change  
15 in the screening or is there a reduction in the buffer?

16 MR. LAMPKIN: So it is a change in the -- in both. So  
17 there are retention ponds around it, so -- that are close to the  
18 property boundary. And so when they're proposing, normally, you  
19 would be required to have a 20 foot or a 30 foot type C. And  
20 because of the location of the stormwater ponds may be within  
21 that buffer. But what they've done is they've acknowledge  
22 that -- our homes to the southwest. And so they're asking if  
23 they could put up a six foot high PVC fence instead of the what  
24 would normally be required. And this is in the expansion area.

25 HEARING OFFICER: Right. And then the waiver, that's

1 just the expansion of the nonconforming use, is that the waiver  
2 requested?

3 MR. LAMPKIN: Hold on.

4 HEARING OFFICER: It's on page two of your report. It  
5 cites a LDC section.

6 MR. LAMPKIN: Oh, yes. Yes, that is correct. So with  
7 that, is -- is so LDC Section 6.11.55 didn't exist when NCU  
8 89-0037 existed. And so the locational requirements, other than  
9 the roadway requirements being on an arterial or local, they  
10 existed. But however, the locational requirements regarding  
11 locations, residential location to a house of worship. And yes,  
12 so the locational requirements did not -- so they're essentially  
13 asking for a waiver in the expansion area and any pre-existing  
14 areas because there are areas that are already existing that  
15 don't meet the requirements of 6.11.55.

16 So for example, today, you would be required, if was  
17 new to have a 200-foot setback. And the applicant has stated  
18 that there are some areas where it's about 100 feet away, which  
19 is why the setback's 100 feet to ensure that it doesn't get  
20 closer, but also they need a waiver to have that 100 feet  
21 instead of 200 feet.

22 HEARING OFFICER: Okay. Understood. That helps.  
23 Thank you so much. I appreciate it.

24 MR. LAMPKIN: My pleasure.

25 HEARING OFFICER: Ms. Heinrich, did you have anything

1 else before I move on?

2 MS. HEINRICH: No, ma'am.

3 HEARING OFFICER: Okay. Perfect. Then we'll go back  
4 for, rebuttal, Ms. Corbett.

5 MS. CORBETT: Kami Corbett again for the record.

6 I think I respectfully disagree with Staff's statement  
7 that we need a waiver to criteria that are not applicable to a  
8 nonconforming use. So we didn't parse words or anything. And  
9 with respect to the -- we -- the variation for the buffering and  
10 screening, I also don't think we need a variation for the  
11 buffering and screening. I do think it's within Staff's purview  
12 to request a condition for that fencing and screening as a  
13 matter of just demonstrating that we are not having any adverse  
14 impacts on surrounding owners as a result of the expansion. But  
15 I don't think that it's the same applicability as the criteria  
16 because under as a legally nonconforming use, we don't have to  
17 provide any of the buffering and screening, so we don't need a  
18 waiver from that. But we are asking for an expansion at as  
19 allowed by the code. And we recognize that staff could make  
20 that request for a different reason with respect to the  
21 buffering and screening along the southwest.

22 So we agreed to add that condition even though we  
23 would -- we would not otherwise be required. And again, we're  
24 trying to maximize the footprint or maximize the usability of  
25 this site to avoid creating other landfills or the need for

1 other landfills in the county. We want to utilize this one to  
2 the extent that there is still capacity. And we think that's  
3 beneficial overall without having to create new capacity in  
4 another place.

5 And I did want to show you quickly on a map, if you  
6 weren't sure where the house of worship is just to kind of  
7 orient you to where they are.

8 HEARING OFFICER: I see. Thank you.

9 MS. CORBETT: So directly located. So we're okay with  
10 the conditions. I just don't think that we necessarily need a  
11 waiver.

12 HEARING OFFICER: Well, now -- now that you say that,  
13 I know that it's zoned AR. It's not a planned development to  
14 start, correct?

15 MS. CORBETT: Correct.

16 HEARING OFFICER: Yeah. So let's go back and just  
17 clarify that with Ms. Heinrich real quick before we close this  
18 out.

19 MS. HEINRICH: I believe those are for the expansion  
20 area, correct?

21 MS. CORBETT: Well, he was -- he's classified the  
22 noncompliance with the existing siding standards as a waiver to  
23 those standards. It's not a waiver of those standards. It's a  
24 continuation of the nonconforming use.

25 MS. HEINRICH: Right. And I -- one thing I know with

1 the special use expansions, is we have to demonstrate that their  
2 expansion isn't creating a compatibility issue or, you know,  
3 expansion of that will have any, you know, problem to adjacent  
4 properties.

5 So I can see why the current standards were looked at  
6 for that expansion area. I think they could be handle as  
7 conditions, you know, of approval, not necessarily --

8 HEARING OFFICER: Not a waiver.

9 MS. HEINRICH: Yeah. You know, noted in there to just  
10 make sure that it's known that that was looked at. And -- and  
11 here's their now new boundary.

12 HEARING OFFICER: And -- and your position on the --  
13 the buffer issue. He -- he has it identified as a -- as a plan  
14 development variation.

15 MS. HEINRICH: Right. That --

16 HEARING OFFICER: In that section.

17 MS. HEINRICH: Yeah. That would not, I think, be  
18 applicable.

19 HEARING OFFICER: It's just a noted condition.

20 MS. HEINRICH: Right.

21 HEARING OFFICER: And special use.

22 MS. HEINRICH: Again, I think it was in terms of  
23 trying to -- to show how the expansion can still achieve  
24 those -- those goals. Maybe not to the fullest, but in a way  
25 that we still find it supportable.

1 HEARING OFFICER: All right. Well, it seems we  
2 reached an agreement as far as that goes.

3 MS. CORBETT: Yes, I do think that's it -- that is  
4 correct. That's how we analyze it. We did believe that it was  
5 within staff's purview to make the request for the condition  
6 based on the expansion criteria, but not based on a waiver or a  
7 variation.

8 HEARING OFFICER: Understood.

9 MS. CORBETT: And with that, we'd respectfully request  
10 your approval unless you have any other questions.

11 HEARING OFFICER: No other questions at this time.  
12 Thank you. Then we'll close Special Use 23-0955.

13 Now I know that it's 10:15. Normally, we take a break  
14 at ten, but we have one case left. So I'll ask the court  
15 reporter if you're good to go through and power through. Okay.

16 All right. Then we'll call the last case.  
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ZHM Hearing  
February 20, 2024

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HILLSBOROUGH COUNTY, FLORIDA  
BOARD OF COUNTY COMMISSIONERS

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ZONE HEARING MASTER )  
HEARINGS )  
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ZONING HEARING MASTER HEARING  
TRANSCRIPT OF TESTIMONY AND PROCEEDINGS

BEFORE: Susan Finch  
Land Use Hearing Master

DATE: Tuesday, February 20, 2024

TIME: Commencing at 6:00 p.m.  
Concluding at 11:46 p.m.

LOCATION: Hillsborough County BOCC  
601 East Kennedy Boulevard  
Second Floor Boardroom  
Tampa, Florida 33601

Reported by:  
Diane DeMarsh, AAERT No. 1654  
DIGITAL REPORTER

1 ZHM Hearing.

2 Item A.4, Standard Rezoning 23-0771. This application  
3 is being withdrawn from the ZHM process.

4 Item A.5, PD 23-0778. This application is being  
5 continued by the applicant to the March 25, 2024 ZHM Hearing.

6 Item A.6, PD 23-0780. This application is out of  
7 order to be heard and is being continued to the March 25, 2024  
8 ZHM Hearing.

9 Item A.7, PD 23-0781. This application is being  
10 withdrawn from the ZHM process.

11 Item A.8, PD 23-0848. This application is out of  
12 order to be heard and is being continued to March 25, 2024  
13 ZHM Hearing.

14 Item A.9, Major Mod 23-0887. This application is  
15 being continued by the applicant to the March 25, 2024 ZHM  
16 Hearing.

17 Item A.10, Major Mod 23-0904. This application is  
18 being continued by the applicant to the March 25, 2024 ZHM  
19 Hearing.

20 Item A.11, Special Use General 23-0955. This  
21 application is being continued by the applicant to the  
22 March 25, 2024 ZHM Hearing.

23 Item A.12, PD 23-0994. This application is being  
24 continued by Staff to the March 25, 2024 ZHM Hearing.

25 Item A.13, PD 23-0997. This application is being





1 the February 20, 2024 Zoning Hearing Master Hearing.

2           Item A.16, Rezoning PD 23-0918. This application is  
3 out of order to be heard and is being continued to the  
4 March 25, 2024 Zoning Hearing Master Hearing.

5           Item A.17, Major Mod Application 23-0951. This  
6 application is out of order to be heard and is being continued  
7 to the February 20, 2024 Zoning Hearing Master Hearing.

8           Item A.18, Specially Use General 23-0955. This  
9 application is out of order to be heard and is being continued  
10 to the February 20, 2024 Zoning Hearing Master Hearing.

11           Item A.19, Rezoning PD 23-0992. This application is  
12 being continued by Staff to the February 20, 2024 Zoning Hearing  
13 Master Hearing.

14           Item A.20, Rezoning PD 23-0993. This application is  
15 out of order to be heard and is being continued to the  
16 February 20, 2024 Zoning Hearing Master Hearing.

17           Item A.21, Rezoning PD 23-0994. This application is  
18 being continued by the applicant to the February 20, 2024 Zoning  
19 Hearing Master Hearing.

20           Item A.22, Rezoning PD 23-0997. This application is  
21 out of order to be heard and is being continued to the  
22 February 20, 2024 Zoning Hearing Master Hearing.

23           Item A.23, Major Mod Application 24-0029. This  
24 application is out of order to be heard and is being continued  
25 to the February 2024 Zoning Hearing Master Hearing.



1 2024 ZHM hearing.

2           Item A.24, Special Use 23-0955. This application is  
3 out of order to be heard and is being continued to the January  
4 16, 2024 ZHM hearing.

5           Item A -- or Agenda item A.25, PD 23-0992. This  
6 application is out of order to be heard and is being continued  
7 to the January 16, 2024 ZHM hearing.

8           Item A.26, PD 23-0993. This application is out of  
9 order to be heard and is being continued to the January 16, 2024  
10 ZHM hearing.

11           Item A.27, PD 23-0994. This application is out of  
12 order to be heard and is being continued to the January 16, 2024  
13 ZHM hearing.

14           Item A.28, PD 23-0997. This application is being  
15 continued by the applicant to the January 16, 2024, ZHM hearing.

16           Item A.29, Standard Rezoning 23-1041. This  
17 application is out of order to be heard and is being continued  
18 to the January 16, 2024 ZHM hearing.

19           Item A30, Standard Rezoning 24-0074. This application  
20 is being continued by staff to the January 16, 2024, ZHM  
21 hearing.

22           And that concludes our continuances.

23           HEARING MASTER: Thank you so much. I appreciate it.

24           Let me start by going over our hearing procedures for  
25 tonight's hearing. Our hearing today consists of agenda items



**EXHIBITS SUBMITTED  
DURING THE ZHM HEARING**



PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  <u>23-0918</u>	PLEASE PRINT NAME <u>William Molloy</u> MAILING ADDRESS <u>315 S Blvd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE <u>813-7157</u>
APPLICATION #  <u>24-0029</u>	PLEASE PRINT NAME <u>Jedd Freeman</u> MAILING ADDRESS <u>200 2nd Ave S #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>813-207-1760</u>
APPLICATION #  <u>23-0082</u>	PLEASE PRINT NAME <u>Jedd Freeman</u> MAILING ADDRESS <u>200 2nd Ave S #451</u> CITY <u>St. Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>813-207-1760</u>
APPLICATION #  <u>23-0082</u>	PLEASE PRINT NAME <u>Michael Bernstein</u> MAILING ADDRESS <u>19537 Deer Lake Rd</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33548</u> PHONE <u>813 293/1930</u>
APPLICATION #  <u>23-0082</u>	PLEASE PRINT NAME <u>Jay A MUFFLY</u> MAILING ADDRESS <u>102 5TH AVE. SE</u> CITY <u>LUTZ</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813-949-2724</u>
APPLICATION #  <u>24-0166</u>	PLEASE PRINT NAME <u>Kelly Hopkins</u> MAILING ADDRESS <u>1673 E Keysville Rd</u> CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE <u>813 770 5141</u>

DATE/TIME: 3/25/2024 6:00pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

<p>APPLICATION #  <u>24-0166</u></p>	<p>PLEASE PRINT NAME <u>PARA STARE</u>          MAILING ADDRESS <u>515 E Keyville Rd</u>          CITY <u>Plant City</u> STATE <u>FL</u> ZIP <u>33567</u> PHONE <u>813-244-2301</u></p>
<p>APPLICATION #  <u>24-0166</u></p>	<p>PLEASE PRINT NAME <u>Michele Hunt</u>          MAILING ADDRESS <u>322 Sea Island Way</u>          CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813.245.0678</u></p>
<p>APPLICATION #  <u>24-0303</u></p>	<p>PLEASE PRINT NAME <u>Todd Presley</u>          MAILING ADDRESS <u>200 2nd Ave. #451</u>          CITY <u>St. Pet</u> STATE <u>FL</u> ZIP <u>33704</u> PHONE <u>813-207-1700</u></p>
<p>APPLICATION #  <u>24-0323</u></p>	<p>PLEASE PRINT NAME <u>Todd Presley</u>          MAILING ADDRESS <u>200 2nd Ave. #451</u>          CITY <u>St. Pet</u> STATE <u>FL</u> ZIP <u>33704</u> PHONE <u>813-207-1700</u></p>
<p>APPLICATION #  <u>24-0323</u> <u>VS</u></p>	<p>PLEASE PRINT NAME <u>Debra McClure</u>          MAILING ADDRESS <u>603 Cottage Grove Cir.</u>          CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE _____</p>
<p>APPLICATION #  <u>24-0323</u> <u>VS</u></p>	<p>PLEASE PRINT NAME <u>Susan Phillips</u>          MAILING ADDRESS <u>602 Cottage Grove Cir.</u>          CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE _____</p>



DATE/TIME: 3/25/2024 6:00pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>24-0323</u> <u>VS</u>	PLEASE PRINT NAME <u>Tony Fernandes</u> MAILING ADDRESS <u>710 Valrico Hills Ln.</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE _____
APPLICATION # <u>24-0323</u> <u>VS</u>	PLEASE PRINT NAME <u>April Williams</u> MAILING ADDRESS <u>2114 Valrico Heights Blvd.</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE _____
APPLICATION # <u>24-0323</u>	PLEASE PRINT NAME <u>Tom Leevitt</u> MAILING ADDRESS <u>2015 Kiser Drive</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE <sup>813</sup> <u>220-5335</u>
APPLICATION # <u>24-0323</u>	PLEASE PRINT NAME <u>Dan Peterson</u> MAILING ADDRESS <u>2004 Capri Rd</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE <u>407-937-9868</u>
APPLICATION # <u>24-0323</u>	PLEASE PRINT NAME <u>JACKIE MARCELTIN</u> MAILING ADDRESS <u>1905 Capri Rd</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE <sup>(813)</sup> <u>754-6713</u>
APPLICATION # <u>24-0323</u>	PLEASE PRINT NAME <u>Michelle Logan</u> MAILING ADDRESS <u>2002 Capri Rd</u> CITY <u>Valrico</u> STATE <u>FL</u> ZIP <u>33594</u> PHONE <u>256-227-5766</u>

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION #  <u>24-0356</u> <u>VS</u>	PLEASE PRINT NAME <u>Justin Marx</u> MAILING ADDRESS <u>19115 Crooked Ln.</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33548</u> PHONE _____
APPLICATION #  <u>23-0774</u>	PLEASE PRINT NAME <u>Anne Pollack</u> MAILING ADDRESS <u>433 Central Ave Ste 400</u> CITY <u>St Pete</u> STATE <u>FL</u> ZIP <u>33701</u> PHONE <u>813-898-2836</u>
APPLICATION #  <u>23-0774</u>	PLEASE PRINT NAME <u>Robert Tomczak</u> MAILING ADDRESS <u>10611 Broadmoor Place</u> CITY <u>Thonotosassa</u> STATE <u>FL</u> ZIP <u>33592</u> PHONE <u>813-750-4790</u>
APPLICATION #  <u>23-0778</u>	PLEASE PRINT NAME <u>John LaRocca</u> MAILING ADDRESS <u>3225 S. MacDill Ave, Ste 129-320</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33629</u> PHONE <u>(813)695-0469</u>
APPLICATION #  <u>23-0887</u>	PLEASE PRINT NAME <u>CHRISTOPHER S. MUNEAL</u> MAILING ADDRESS <u>15957 N. FLORIDA AVE</u> CITY <u>Lutz</u> STATE <u>FL</u> ZIP <u>33549</u> PHONE <u>813-205-2564</u>
APPLICATION #  <u>23-0994</u>	PLEASE PRINT NAME <u>Isabelle Albert</u> MAILING ADDRESS <u><del>4112</del> 1000 N. Ashley Dr.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>813-331-0976</u>

DATE/TIME: 3/25/2024 6:00pm HEARING MASTER: Susan FinchPLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING

APPLICATION # <u>24-0031</u>	PLEASE PRINT NAME <u>David M Smith</u> MAILING ADDRESS <u>401 E. Jackson St suite 2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813 222-5010</u>
APPLICATION # <u>24-0031</u>	PLEASE PRINT NAME <u>Jake Cremer</u> MAILING ADDRESS <u>401 E Jackson St #2100</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813-222-5051</u>
APPLICATION # <u>24-0132</u> <u>VS</u>	PLEASE PRINT NAME <u>David Mechanik</u> MAILING ADDRESS <u>385 S. Blvd.</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33606</u> PHONE _____
APPLICATION # <u>24-0241</u>	PLEASE PRINT NAME <u>Stephen Sposato</u> MAILING ADDRESS <u>505 E Jackson St</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33601</u> PHONE <u>813-375-0612</u>
APPLICATION # <u>24-0241</u> <u>VS</u>	PLEASE PRINT NAME <u>David Alessandri</u> MAILING ADDRESS <u>5121 Ehrlich Rd. #107B</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33624</u> PHONE _____
APPLICATION # <u>23-0955</u>	PLEASE PRINT NAME <u>Kami Corbett</u> MAILING ADDRESS <u>HWH 1019 Kennedy Blvd</u> CITY <u>Tampa</u> STATE <u>FL</u> ZIP <u>33602</u> PHONE <u>227 8421</u>

SIGN-IN SHEET: RFR, ZHM, PHM, LUHO

PAGE 6 OF 6


DATE/TIME: 3/25/2024 6:00pm HEARING MASTER: Susan Finch

PLEASE **PRINT CLEARLY**, THIS INFORMATION WILL BE USED FOR MAILING


APPLICATION # <u>23-0955</u>	PLEASE PRINT NAME <u>MICHAEL YATES</u> MAILING ADDRESS <u>PALM TRAFFIC 4006 SOUTH MACDILL AVE</u> CITY <u>TAMPA</u> STATE <u>FL</u> ZIP <u>33611</u> PHONE <u>813 205 8057</u>
APPLICATION # <u>23-0955</u>	PLEASE PRINT NAME <u>HARISH PATEL</u> MAILING ADDRESS <u>7620 PARADISE POINTE CIRCLE SOUTH</u> CITY <u>ST. PETERSBURG</u> STATE <u>FL</u> ZIP <u>33711</u> PHONE <u>813-732-5262</u>
APPLICATION # <u>24-0782</u>	PLEASE PRINT NAME <u>Gisselle Amparo</u> MAILING ADDRESS <u>1606 Condurant way</u> CITY <u>Brandon</u> STATE <u>FL</u> ZIP <u>33511</u> PHONE <u>401.339.8460</u>
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____
APPLICATION #	PLEASE PRINT NAME _____ MAILING ADDRESS _____ CITY _____ STATE _____ ZIP _____ PHONE _____

MARCH 25, 2024 - ZONING HEARING MASTER

The Zoning Hearing Master (ZHM), Hillsborough County, Florida, met in Regular Meeting, scheduled for Monday, March 25, 2024, at 6:00 p.m., in the Boardroom, Frederick B. Karl County Center, Tampa, Florida, and held virtually.

 Susan Finch, ZHM, called the meeting to order at 6:00 p.m., led in the pledge of allegiance to the flag, and introduced Development Services (DS).

A. WITHDRAWALS AND CONTINUANCES

 Michelle Heinrich, DS, introduced staff, and reviewed changes/withdrawals/continuances.

 Susan Finch, ZHM, overview of ZHM process.

 Cameron Clark, Senior Assistant County Attorney, overview of oral argument/ZHM process.

 Susan Finch, ZHM, Oath.

B. REMANDS

B.1. RZ 23-0082

 Michelle Heinrich, DS, called RZ 23-0082.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0082.

C. REZONING STANDARD (RZ-STD)

C.1. RZ 24-0166

 Michelle Heinrich, DS, called RZ 24-0166.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 24-0166.

C.2. RZ 24-0303

 Michelle Heinrich, DS, called RZ 24-0303.

 Testimony provided.


MONDAY, MARCH 25, 2024

 Susan Finch, ZHM, closed RZ 24-0303.

C.3. RZ 24-0323

 Michelle Heinrich, DS, called RZ 24-0323.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 24-0323.

C.4. RZ 24-0356

 Michelle Heinrich, DS, called RZ 24-0356.

 Testimony provided.


 Susan Finch, ZHM, closed RZ 24-0356.

D. REZONING-PLANNED DEVELOPMENT (RZ-PD) & MAJOR MODIFICATION (MM)

D.1. RZ 23-0774

 Michelle Heinrich, DS, called RZ 23-0774.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0774.

D.2. RZ 23-0778

 Michelle Heinrich, DS, called RZ 23-0778.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0778.

D.3. MM 23-0887

 Michelle Heinrich, DS, called MM 23-0887.

 Testimony presented.


 Susan Finch, ZHM, closed MM 23-0887.

MONDAY, MARCH 25, 2024

D.4. RZ 23-0918

 Michelle Heinrich, DS, called RZ 23-0918.

 Testimony provided.

 Susan Finch, ZHM, continued RZ 23-0918 to May 14, 2024, ZHM hearing.

D.5. RZ 23-0994

 Michelle Heinrich, DS, called RZ 23-0994.


 Testimony provided.

 Susan Finch, ZHM, closed RZ 23-0994.

D.6. MM 24-0029

 Michelle Heinrich, DS, called MM 24-0029.

 Testimony presented.

 Susan Finch, ZHM, continued MM 24-0029 to May 14, 2024, ZHM hearing.

D.7. RZ 24-0031

 Michelle Heinrich, DS, called RZ 24-0031.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 24-0031.

D.8. RZ 24-0132

 Michelle Heinrich, DS, called RZ 24-0132.

 Testimony provided.

 Susan Finch, ZHM, closed RZ 24-0132.

D.9. MM 24-0241

 Michelle Heinrich, DS, called MM 24-0241.

 Testimony presented.

MONDAY, MARCH 25, 2024

 Susan Finch, ZHM, closed MM 24-0241.

E. ZHM SPECIAL USE

E.1. SU 23-0955


 Michelle Heinrich, DS, called SU 23-0955.


 Testimony presented.

 Susan Finch, ZHM, closed SU 23-0955.

E.2. SU 24-0382

 Michelle Heinrich, DS, called SU 24-0382.

 Testimony presented.

 Susan Finch, ZHM, closed SU 24-0382.

ADJOURNMENT

 Susan Finch, ZHM, adjourned meeting at 10:24 p.m.



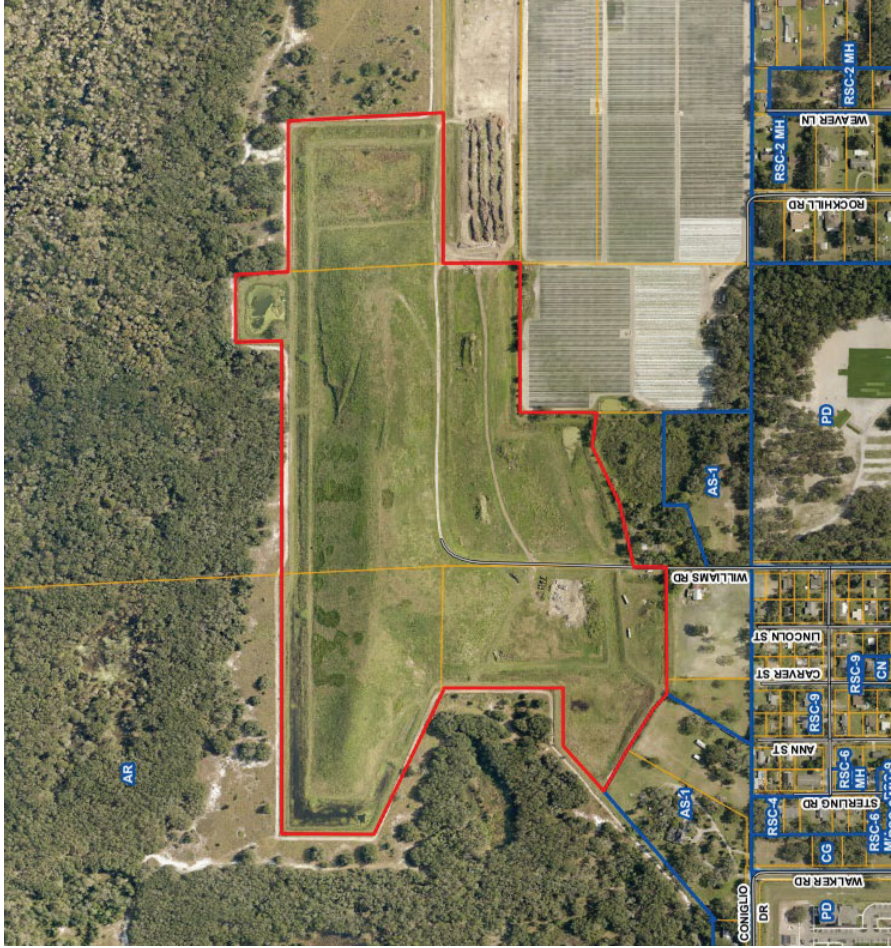
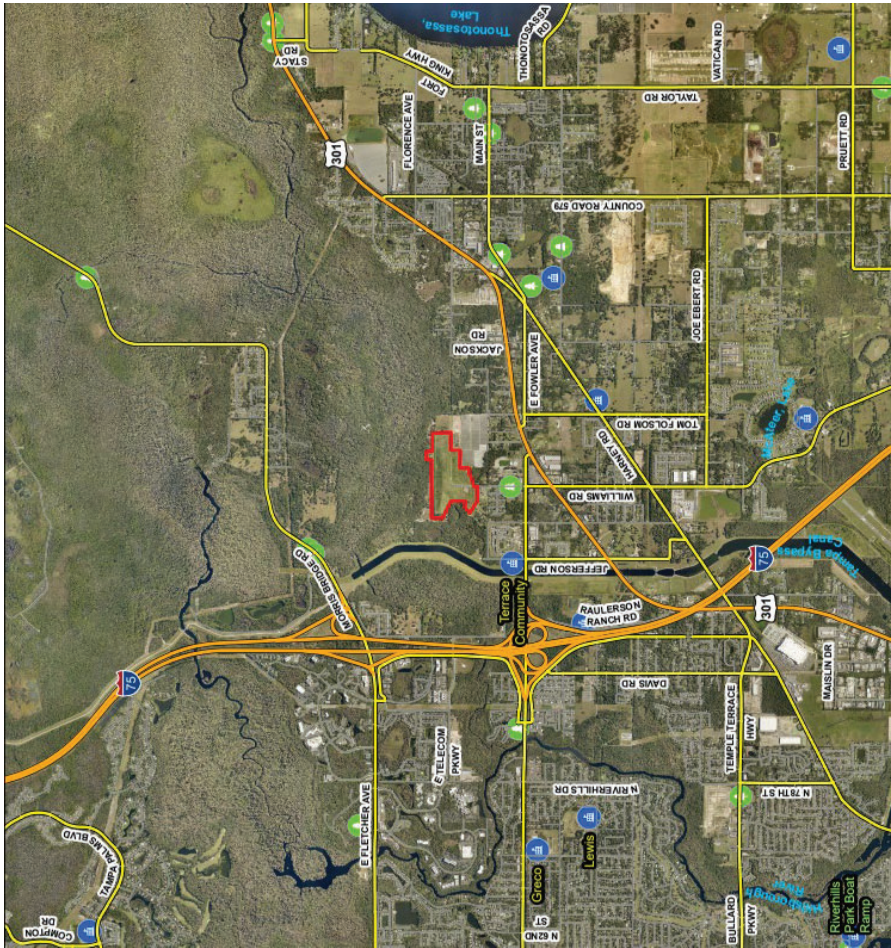
# SUGEN 23-0955

Applicant: FCD Investment South, LLC

Representative: Kami Corbett, Esq. / Hill Ward Henderson, P.A.

23-0955  
Kami Corbett  
3/25/2024 ZHM  
Exhibit 1

# Location





## Existing Legal Non-Conforming Use

- NCU-89-0037 established landfill as an existing non-conforming use established circa 1960
- Not subject to criteria now required by LDC Section 6.11.55 (including distance separation)
- Project Area located more than 200' from any adjacent residentially zoned property
- Letter of support from nearby House of Worship

# LDC Section 11.03.06.J.

- Allows for a one-time expansion of a legal nonconforming use up to 50% of the use's existing square footage – Request – 23.69%

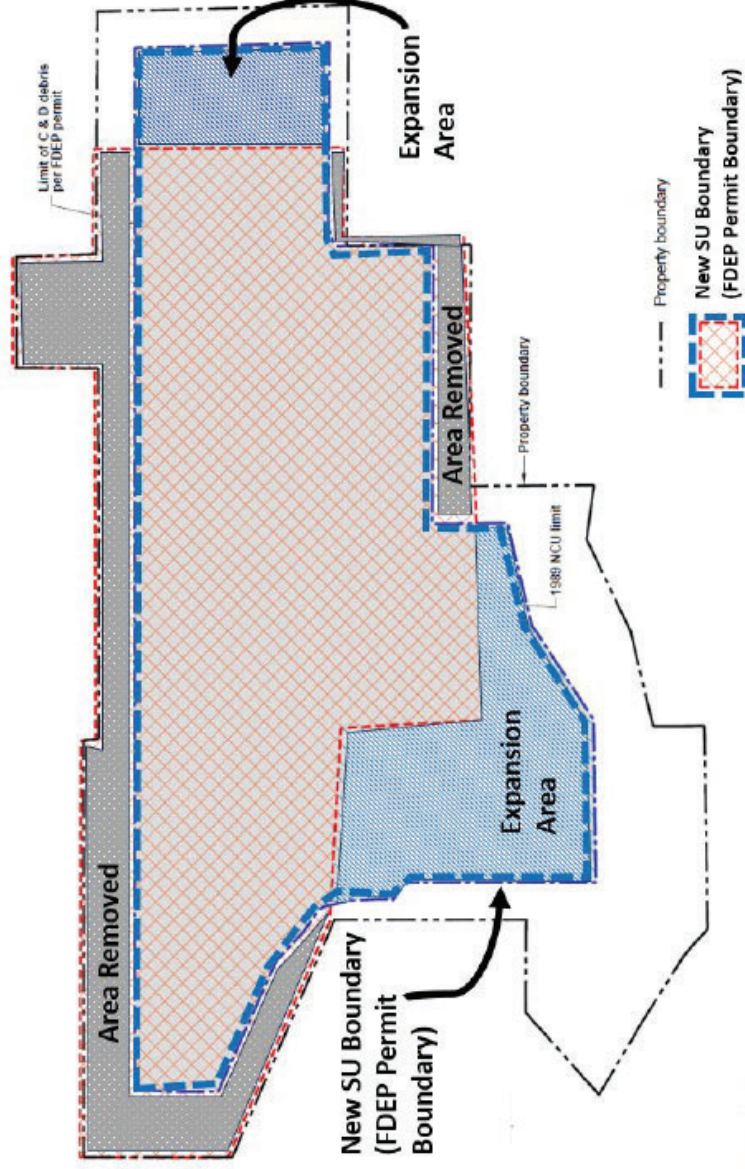
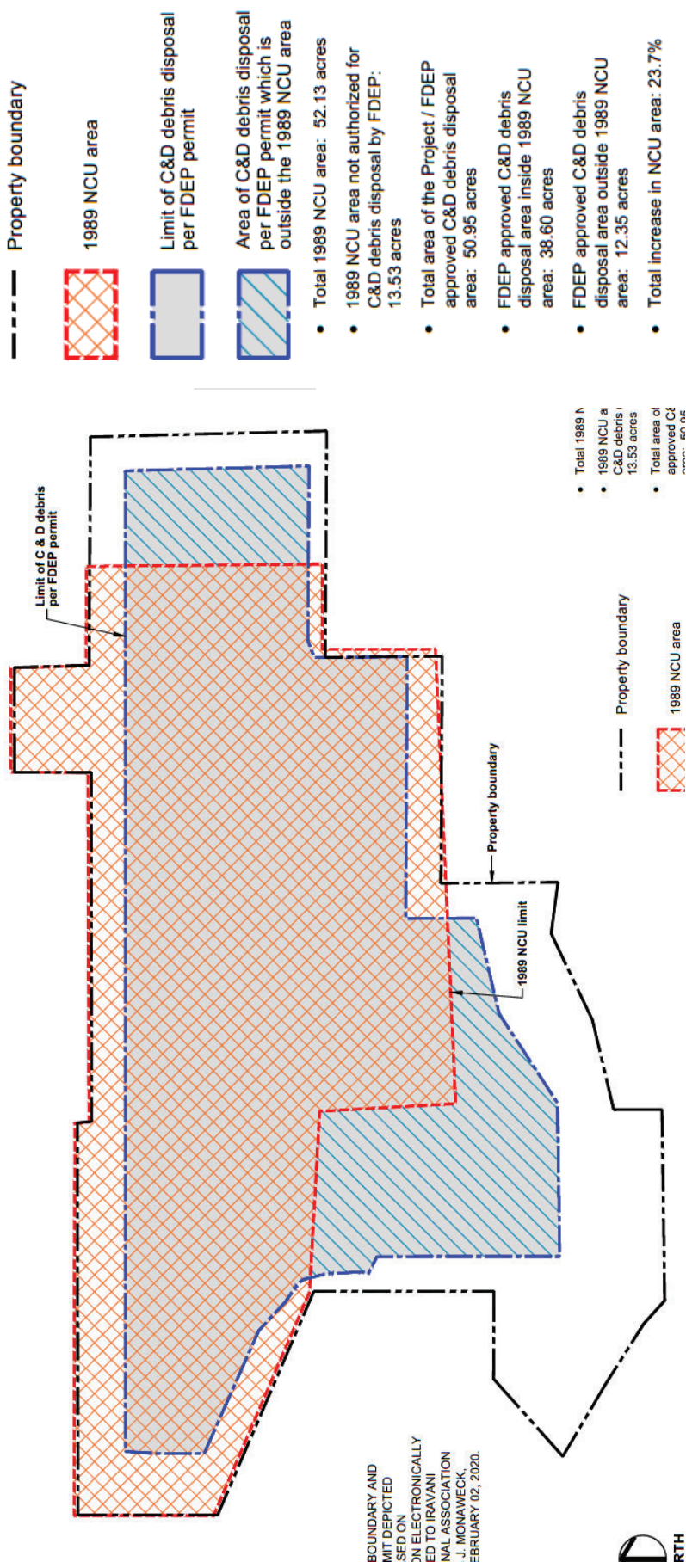


Figure 1

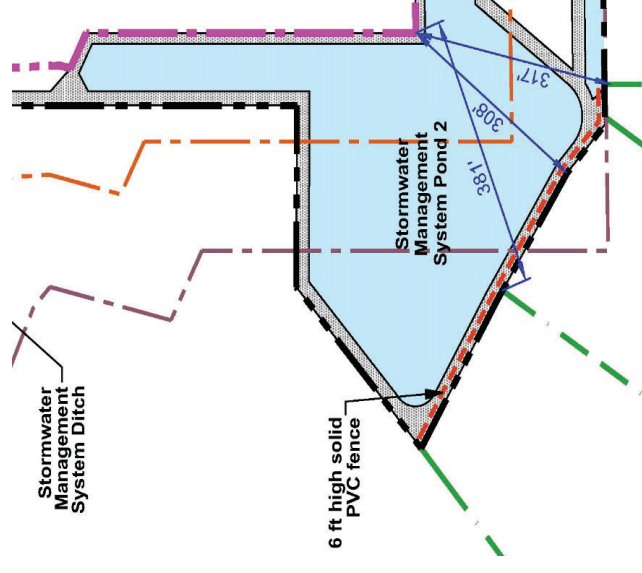
# Request

- Adjustment of the boundaries to align with the C&D debris disposal boundaries of FDEP Permit No. 30414-006-SO-22/ 0414-008-SO/MM.



# Buffering/Screening

- Existing nonconforming landfill entitled to relief from now applicable Code requirements
- Existing stormwater management system of ponds and ditches surrounding the disposal area of the Site create a significant buffer area of 300+ feet.
- New condition to build a 6' PVC fence between the boundary where the Site abuts the single-family residential folios to the southwest of the Site

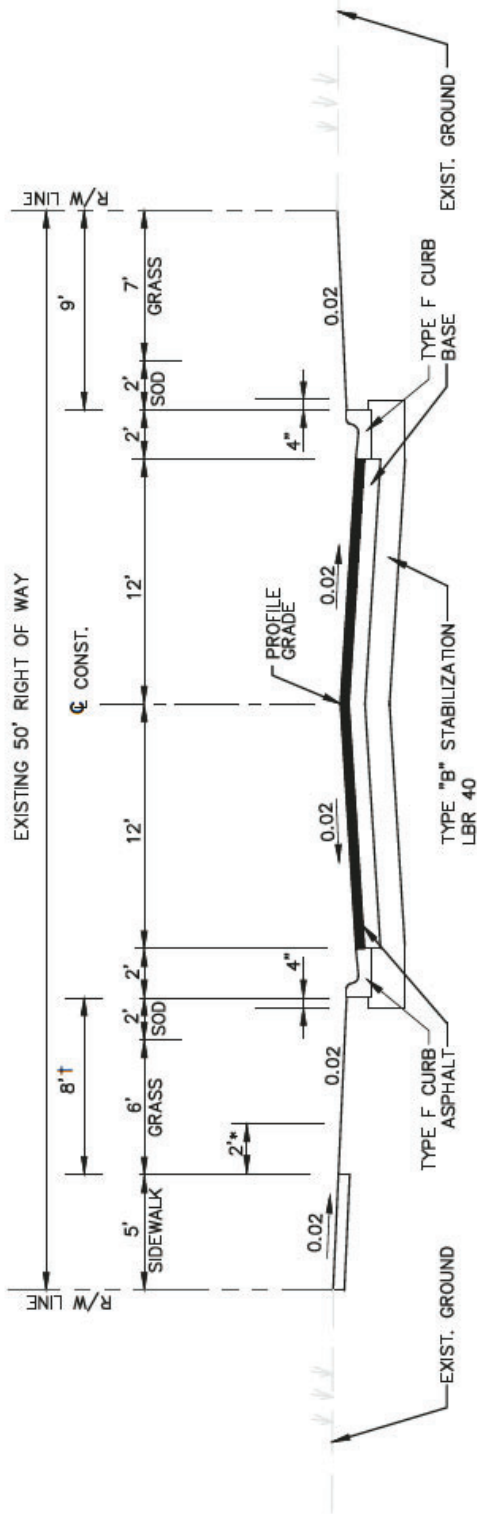






# Williams Road Design Exception

- Construct 12-foot travel lanes, an F-type curb in lieu of the Miami curb, and approximately 1,300 feet of 5-foot sidewalk along the west side of Williams Road.



## TYPICAL SECTION

N.T.S.

LESS THAN 5,000 AADT

MAX. ALLOWABLE DESIGN SPEED – 35 MPH

## Staff Findings

- Planning Commission: **Consistent** with the County's Comprehensive Plan.
- **Policy 9.3** – recognizes the existence and continuation of legal non-conforming uses in the County.
- Development Services Staff: **Approvable**, subject to conditions.



**THANK YOU**

Questions?

## Kami Corbett

---

**From:** Shelton, Carla <Sheltonc@hcfl.gov>  
**Sent:** Monday, March 25, 2024 10:26 AM  
**To:** Kami Corbett  
**Cc:** Lampkin, Timothy  
**Subject:** RE: SU 23-0955

*[External email; exercise caution]*

Hi Kami,

You are correct, there are no trees within the special use area. I was looking at the entire folio on aerials. That condition will not apply to anything.

Thank you,

### Carla Shelton Knight

**Natural Resources Review Manager, Certified Arborist**

Natural Resources, Development Services Dept.

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**P:** (813) 276-8404

**E:** [sheltonc@hcfl.gov](mailto:sheltonc@hcfl.gov)

**W:** [HCFL.gov](http://HCFL.gov)

### Hillsborough County

601 E. Kennedy Blvd., Tampa, FL 33602

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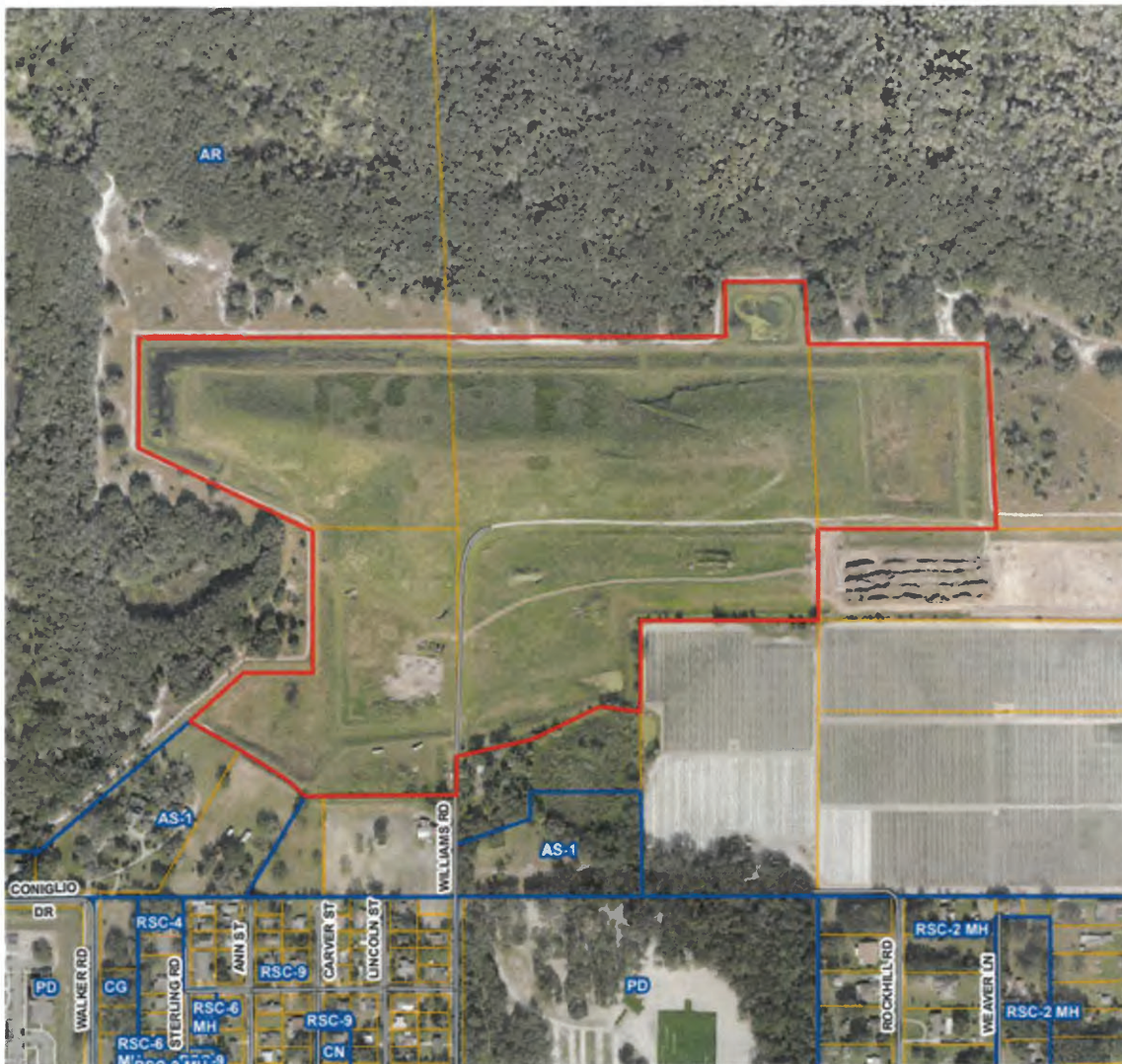
**From:** Kami Corbett <kami.corbett@hwhlaw.com>  
**Sent:** Monday, March 25, 2024 7:30 AM  
**To:** Shelton, Carla <Sheltonc@hcfl.gov>  
**Subject:** SU 23-0955

**External email:** Use caution when clicking on links, opening attachments or replying to this email.

Good morning Carla –

In reviewing the staff report for the above referenced case, which is going to hearing this evening – I see that your comments make reference to staff's observation of a number of significant grand trees on site. Are you certain that you were looking at the area where the special use is occurring? Below is the aerial of the site (outlined in red) and it does

not appear that there are any trees in the landfill area at all. There are trees on folio: 060140-0000 – which is under common ownership – but is not part of the area being permitted by the Special Use Permit. The condition is generally harmless since there are not any trees, but I did want to see if I could get clarification from you prior to the hearing.



**Kami Corbett**  
Shareholder

o: 813.221.3900 | d: 813.227.8421 | [kami.corbett@hwhlaw.com](mailto:kami.corbett@hwhlaw.com) | [hwhlaw.com](http://hwhlaw.com)  
101 E. Kennedy Blvd., Suite 3700, Tampa, FL 33602



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# BAPS Tampa, LLC

112 N Main St. Robbinsville, NJ 08561 | T: (732) 777-1414  
Mailing Address: PO Box 519, Windsor, NJ 08561-0519

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March 20, 2024

To,  
The Zoning Hearing Master  
Hillsborough County

My name is Narhari Patel, and I am the Chairman of BAPS Tampa, LLC, that owns the property located at 9556 E. Fowler Ave., Thonotosassa (Folio 060149- 0000). This site has been the location of one of our houses of worship since 2011.

I am writing to you to express our support of SU GEN 23-0955 for the landfill located at 11981 Williams Rd. We have an excellent relationship with the landfill owners and operators. In support of our longstanding good neighbors, we want the landfill to stay and continue to operate. We also support the proposed improvements to Williams Road that will be made in conjunction with the approval of this application. The improved access conditions will benefit everyone in the surrounding area.

We respectfully request that you recommend approval of this application to the Board of County Commissioners, and likewise respectfully request that the Hillsborough County Board of County Commissioners approve this application.

Thankfully,

Narhari Patel  
Chairman

To the Zoning Hearing Master:

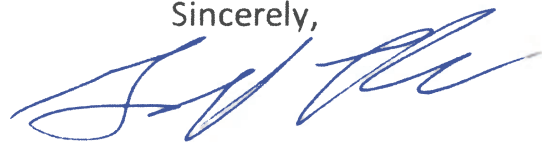
My name is Gerald Wight and I live at 11740 Tom Folsom Rd in Thonotosassa.

I am writing to you to express my support of SU GEN 23-0955 for the landfill located at 11981 Williams Rd which is located to the north of my property. The landfill owners and operators have been good neighbors, and I want them to stay. The landfill has been there for as long as I have lived here and it has never caused any negative impacts to me.

I urge the Zoning Hearing Master to recommend approval of this application, and I urge the Hillsborough County Board of County Commissioners to ultimately approve it.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gerald Wight", written in a cursive style.



To the Zoning Hearing Master:

My name is Julius Coltrane and I live at  
11932 Williams Rd in Thonotosassa.

I am writing to you to express my support of SU GEN 23-0955 for for the landfill located at 11981 Williams Rd which is located to the north of my property. The landfill owners and operators have been good neighbors, and I want them to stay. The landfill has been there for as long as I have lived here and it has never caused any negative impacts to me.

I urge the Zoning Hearing Master to recommend approval of this application, and I urge the Hillsborough County Board of County Commissioners to ultimately approve it.

Thank you.

Sincerely,

*Julius Coltrane*

To the Zoning Hearing Master:

My name is Mike Talbot and I live at  
9491 Rock Hill Road in Thonotosassa.

I am writing to you to express my support of SU GEN 23-0955 for for the landfill located at 11981 Williams Rd which is located to the north of my property. The landfill owners and operators have been good neighbors, and I want them to stay. The landfill has been there for as long as I have lived here and it has never caused any negative impacts to me.

I urge the Zoning Hearing Master to recommend approval of this application, and I urge the Hillsborough County Board of County Commissioners to ultimately approve it.

Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Mike Talbot". The signature is written in a cursive style with a stylized "T" at the end.

To the Zoning Hearing Master:

My name is William R. HARRIS SR and I live at 11806 William Rd in Thonotosassa.

I am writing to you to express my support of SU GEN 23-0955 for for the landfill located at 11981 Williams Rd which is located to the north of my property. The landfill owners and operators have been good neighbors, and I want them to stay. The landfill has been there for as long as I have lived here and it has never caused any negative impacts to me.

I urge the Zoning Hearing Master to recommend approval of this application, and I urge the Hillsborough County Board of County Commissioners to ultimately approve it.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "William R. Harris SR", written in a cursive style.

To the Zoning Hearing Master:

My name is Amy L. Howe and I live at  
11939 Williams Rd in Thonotosassa.

I am writing to you to express my support of SU GEN 23-0955 for the landfill located at 11981 Williams Rd which is located to the north of my property. The landfill owners and operators have been good neighbors, and I want them to stay. The landfill has been there for as long as I have lived here and it has never caused any negative impacts to me.

I urge the Zoning Hearing Master to recommend approval of this application, and I urge the Hillsborough County Board of County Commissioners to ultimately approve it.

Thank you.

Sincerely,

Amy L. Howe

3/7/24

To the Zoning Hearing Master:

Our names are Bennie and Joyce Kirkland and we live at 9460 Coniglio Drive, Thonotosassa,, FL 33592 in Thonotosassa, adjacent to the landfill.

We are writing to you to express our support of SU GEN 23-0955 for the landfill located at 11981 Williams Rd which is located to the north of our properties. The landfill owners and operators have been good neighbors, and we want them to stay. The landfill has been there for as long as we have lived here and it has never caused any negative impacts to us.

We urge the Zoning Hearing Master to recommend approval of this application, and we urge the Hillsborough County Board of County Commissioners to ultimately approve it.

Thank you.

Sincerely,

*Bennie Kirkland*  
*Joyce Kirkland*

*March 10, 2024*  
*March 10, 2024*



**PARTY OF  
RECORD**

**NONE**